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JOURNAL

OF THE

SENATE,

AT THE

FIRST SESSION

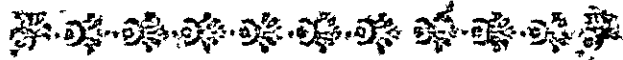
OF THE

SEVENTH GENERAL ASSEMBLY,

OF THE

STATE OF TENNESSEE :

BEGAN AT KINGSTON, ON MONDAY THE TWENTY-
FIRST DAY OF SEPTEMBER, AND CONTINUED
BY ADJOURNMENT TO KNOXVILLE,
ON WEDNESDAY THE TWENTY-
THIRD, ONE THOUSAND
EIGHT HUNDRED
AND SEVEN.



KNOXVILLE:

PRINTED FOR

REYNOLDS & BROS.

Printed for William Moore,
State Printer.

1808.

SAMUEL MILLER, PRINTER.

JOURNAL

OF THE

SENATE:

OF THE

STATE OF TENNESSEE.

KINGSTON, MONDAY, September 21st, 1807.

AT a meeting of the general assembly, of the state of Tennessee, in Kingston, on Monday the twenty first of September, one thousand eight hundred and seven, being the first session of the seventh general assembly of the said state; the following gentlemen, members of the senate, appeared, produced their credentials, were qualified and took their seats:

From the counties of

Anderson & Roane, Mr. George Preston.

Davidson, Mr. Robert Weakly.

Greene, Mr. John Russell.

Grainger & Claiborne, Mr. Major Lea.

Jefferson & Cocke, Mr. George Doherty.

Jackson & Smith, Mr. William Walton.

Knox, Mr. Hugh L. White.

Robertson, Dixon, } Mr. Parry W. Hume

Montgomery & Stuart, } phreys.

Sullivan & Hawkins, Mr. Joseph M'Minn.

Sevier & Blunt, Mr. John Wilkinson.

Sumner & Wilson, Mr. Edward Douglass.

Williamson & Rutherford, Mr. N. T. Perkins.

Washington & Carter, Mr. Jonathan Tipton.

On motion, Mr. Joseph M'Minn was appointed speaker, and was conducted to the chair accordingly.

The house then proceeded to the appointment of a

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principal and an assistant clerk, and Joseph M. Anderson and Mathew Stephenson were put in nomination as candidates for principal clerk, and Luke Lea was put in nomination as a candidate for assistant clerk; messrs. Douglass and White were appointed to superintend the balloting, when on counting out the votes, it appeared that Joseph M. Anderson and Luke Lea were duly elected, and were qualified accordingly.

The House then proceeded to the appointment of a door-keeper, whereupon John Bright, Samuel Homesick and William Madlock were put in nomination; messrs. White and Douglas superintended the balloting, and on counting out the votes John Bright was duly elected.

On motion, ordered that a message be sent to the house of representatives informing them that the senate had convened, appointed Joseph M. Minn speaker, Joseph M. Anderson and Luke Lea clerks, and John Bright door-keeper, and are ready to proceed to business.

Mr. Preston produced sundry resolutions entered into by the citizens of Roane county, relative to the seat of government, &c. which were read and ordered to be sent to the house of representatives.

Received a message from the house of representatives, informing this house that they had convened, appointed Mr. John Tipton speaker, Mr. John Lowry principal clerk, Mr. Alexander M. Nelson assistant clerk, John Rheas door-keeper, and were ready to proceed to business.

On motion, ordered that messrs. Weakly and White be a committee to draw up rules for the government of this house.

Ordered, that the following message be sent to the House of representatives:

The senate propose that a committee be appointed to wait on his excellency the governor, and inform him that the general assembly has convened and is ready to receive any communications he may be pleased to make; and have nominated Mr. Douglass on the part of this house to act with such gentlemen as you may appoint.

Ordered that the following message be sent to the house of representatives:

The senate propose that both houses meet this evening

at five o'clock in the representatives chamber, to count out the votes for governor and representatives to congress.

Received from the house of representatives a message accompanied by the following resolution :

Resolved by the senate and house of representatives of the state of Tennessee, That this legislature do adjourn forthwith from Kingston, to meet on Wednesday the 23d inst. at eleven o'clock, A. M. at the court-house in Knoxville. Which was read and concurred with.

Ordered, that a message be sent to the house of representatives as follows :

We concur with the resolution by you adopted, that the legislature do adjourn forthwith from Kingston to meet on Wednesday the 23rd inst. at eleven o'clock A. M. at the court-house in Knoxville.

On the adoption of the resolution for the adjournment of the legislature from this place to Knoxville, Mr. Preston moved for the yeas and nays, which were as follows :

Yeas—Messrs. Weakly, Lea, Doherty, White, Humphreys, Douglass, Perkins and Tipton.

Nays—Messrs. Preston, Russell, Walton & Wilkinson.

On motion, ordered that the following message be sent to the house of representatives :

The senate have adopted the following resolution, to which they ask your concurrence,

Resolved, That all the public offices and public papers brought to this place by reason of the adjournment of the legislature from Knoxville in the county of Knox, to this place, be reconveyed from this place to Knoxville, as soon as practicable.

Received from the house of representatives a message concurring with the resolution of this house, that all the public offices and public papers be reconveyed from this place to Knoxville as soon as practicable.

The house then adjourned to meet at the court-house in Knoxville, on the 23rd inst. at eleven o'clock A. M.

KNOXVILLE, Wednesday, September 23rd, 1837.

House met according to adjournment.

Received the resignation of Jenkin Whiteside, as attorney general for the state ; which was read, accepted, and sent to the house of representatives.

Ordered, that the following message be sent to the house of representatives :

Mr. Speaker, and

Gentlemen of the House of Representatives,

The following gentlemen are on the following committees, to act on the part of this house, with such gentlemen as you may think proper to appoint :

Committee of finance, messrs. Weakly, Russell, Perkins and White.

Committee of claims, messrs. Douglass and White.

Committee of propositions and grievances, messrs. Perkins, Tipton, Humphreys and Lea.

Committee of enrolments, Mr. White.

Received the following message from the house of representatives :

Mr. Speaker and Gentlemen of the Senate,

This house have received the message of the senate of the 21st inst. proposing to meet in the chamber of the house of representatives at 5 o'clock on that day, and propose that the senate meet the house of representatives in the representatives chamber at 4 o'clock P. M. this day, for the purpose of counting the votes for governor and members of congress ; and ask your concurrence.

To which message, the following answer of concurrence was sent :

Mr. Speaker, and

Gentlemen of the House of Representatives,

This house concur with your proposition for meeting this evening at 4 o'clock in the representatives chamber for the purpose of counting the votes for governor and representatives to congress.

Mr. Douglass from the committee appointed to wait on his excellency the governor, &c. reported that he had done so, and received for answer, that the communications of the governor would be made to-morrow at three o'clock P. M.

Adjourned until three o'clock P. M.

Met according to adjournment.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen of the Senate,

This house concur with you in appointing the following committees, and have appointed the following gentlemen on the part of this house to act with such as you have chosen :

Committee of finance, messrs. Cocke, Trimble, Blount, Black, Guin, Doran, Dardis and Crawford.

Committee of claims, messrs. Cocke, Bradley, Cryer and Cannon.

Committee of propositions and grievances, messrs. Haynes, Gheatham, White, Hill, Vanbibber, Young, Mitchell and Bradley.

Committee of enrolments, messrs. Dardis and Guin.

Mr. White from the committee appointed to draw up rules for the government of this house, reported the following rules, which were read and received.

Rules of Decorum :

1st. When the speaker is in the chair, every member may sit with his head covered.

2nd. Every member shall come into the house with his head uncovered, and continue so at all times; but when he sits in his seat.

3rd. The speaker having taken the chair and two-thirds of the members being present, the clerk shall read the journal of the preceeding day, in order that any mistake may be corrected, that may have been made in the entry.

4th. Whilst the journal or other public papers, are reading, and when any member is speaking, there shall be no interruption ; nor shall the members read any public paper, but the attention of each member is expected.

5th. Every member when he speaks, shall standing in his place address himself to the speaker or chairman (as the case may be) who shall give his attention by naming the member.

6th. When any motion shall be before the house and not properly understood, the speaker may explain, but shall not attempt in any such explanation, to sway the house by argument or debate.

7th. If two or more members rise to speak at the same time, the speaker shall determine who shall speak first.

8th. The speaker with leave of the house, shall have

priveledge to speak on any subject proposed, agreeable to the rules established by the house, provided he speaks before the arguments have gone through.

9th. A member digressing from the subject or using any personal observations or reflections, may be called to order by the speaker, chairman or any member of the house.

10th. All motions to be committed to writing and seconded, before the same can be considered in possession of the house, except a motion of course.

11th. No member shall speak more than twice without leave of the house to the same subject, unless in a committee of the whole.

12th. When a question is before the house no motion shall be received unless for amendment for the previous question, or to commit or to adjourn.

13. No member shall depart the house without leave.

14th. No member shall pass between a member when speaking and the speaker.

The following gentlemen presented the following returns from the following counties, which were read and referred to the committee of finance and sent to the house of representatives :

Mr. Weakly presented the returns of the amount of revenue in Davidson county for the years 1805 and 1806.

Mr. White for Knox county, for 1805 and 1806.

Mr. Humphreys for Dixon county, for 1805 and 1806.

Mr Walton for Smith county, for 1805 and 1806.

Received a letter addressed to the speaker of the senate from Samuel A. Otis, enclosing a journal of the senate of the United States.

According to order, the senate repaired to the representatives chamber, to count the votes for governor and representatives to congress.

On counting the votes for governor and representatives to congress for this state, it was found that John Sevier Esq. was duly and constitutionally elected governor. George W. Campbell, Esq. to represent the district of Hamilton. John Rhea, Esq. to represent the district of Washington; and Jesse Wharton, Esq. to represent the

districts of Mero, Robertson and Winchester, in the congress of the United States.

The house adjourned until to-morrow nine o'clock.

THURSDAY, September 24, 1807.

The house met according to adjournment.

On motion of Mr. Weakly, the following resolution was adopted and sent to the house of representatives :

Resolved, That Messrs. White, Humphreys, Russell, Weakly, Douglass and Wilkinson, be appointed on the part of this house as a select committee, to act with such gentlemen as the house of representatives shall think proper to appoint, to take under consideration the late land law ; and report by bill or otherwise.

Mr. White moved for leave, and presented a bill to suspend certain sections of an act entitled "An act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the *bona-fide* claims against the same, agreeable to an act of congress, passed the 18th. day of April 1806, entitled " An act to authorise the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed at Knoxville the 12th day of September 1806, read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a list of taxes collected by the clerk of Overton county on law suits, &c. which was read and referred to the committee of finance.

Mr. Humphreys presented a petition of a number of the citizens of the upper part of Stuart county, relative to the place of holding elections in said county ; which was read, referred to the committee of propositions and grievances, and sent to the house of representatives.

Also, a petition of a number of the inhabitants of Stuart county, relative to the seat of justice in said county, which was read, referred to the committee of propositions and grievances, and sent to the house of representatives.

The house adjourned until three o'clock P. M.

House met according to adjournment.

Mr. Weakly presented a list, containing the amount of

money paid the treasurer of West-Tennessee on law proceedings, &c. by the clerk of Merò district ; which was received, read and referred to the committee of finance, and sent to the house of representatives.

Also, the claim of the clerk of the board of commissioners for West Tennessee, for contingent expences ; which was received, read and referred to the committee of claims, and sent to the house of representatives.

Also, the petition of Thomas Taylor, citizen of Davidson county, relative to obtaining a grant for a certain tract of land within the military reservation, &c.

Also, a petition of Robert Kennedy, James Wilson & Ezekiel Norris. And also, a petition of William Tate, relative to sundry land warrants and entries, which were read and referred to the committee who had under consideration the late land law of this state, and sent to the house of representatives.

Received a message from the house of representatives, concurring with this house in appointing a committee to take under consideration the late land law of this state, and appointing messrs. Scott, Dardis, Trimble, Blount, White, Hill, Young & Guin, as a committee on their part.

Received his excellency the governor's communication which was read and ordered to be entered on the journal, and is as follows :

*Mr. Speaker and Gentlemen of the Senate, and
Mr. Speaker and Gentlemen of the House of Representatives,*

IT would have afforded me, Fellow Citizens, much greater satisfaction to communicate to you, in the early day of your meeting, circumstances of a more agreeable and satisfactory nature than I have, at the present important crisis to relate. Since your last separation very important and unexpected events have transpired and taken place. You have heard of the late unprovoked attack made upon the United States Frigate the Chesapeake, by the British ship of war the Leopard ; of the murder of our fellow-citizens, and the degradation of the American flag, together with other insults and outrages committed on board the said Frigate. It would be useless to take up your time in further detailing the particulars of the un-

precedented and unprovoked outrage, in consequence of which, the President of the United States has necessarily requested this state's quota of militia. The necessary instructions have long since been issued, and I inform you with great pleasure of the promptitude and alacrity with which the citizens of the state are tendering their services in defence of their injured and insulted country—It does them great honor, and entitles them to the respect and confidence of their fellow citizens of their neighbouring states. From the present prospect it may be safely relied upon, that a great sufficiency of volunteers will turn out to answer the demand. I have no hesitation in saying that the late attack made on the American ship the Chesapeake, has created a spirit of unanimity and resentment throughout the whole of the U. S. that has not been surpassed since the settlement of America ; and an opportunity is only wanting in which they would sufficiently chastise the nation who could without provocation, be guilty of such aggressions.

Two respectable citizens, in the course of the last spring and summer, have been murdered by some of our neighbouring Indians.—The executive has taken all the means in his power to discover the aggressors, but as yet without effect, but intends continuing the enquiry until a discovery shall be made, in order that the perpetrators may be punished agreeably to the demerits of their crimes.

Some laws of the last General Assembly, particularly what is called the Land Law, are very much reprobated in many parts of the state, and in several instances have been likely to occasion serious consequences—much clamor has been made, complaining of newly created offices, alledging that they were contemplated more for the emolument of individuals than to answer any public utility. I shall forbear saying more on this subject, as you are the immediate representatives from every county within the state, and your collective knowledge and information must be more comprehensive than my own. I have no doubt you will take immediately the whole under your consideration, and make such alterations, amendments and retrenchments, as you in your wisdom may deem suitable and necessary. Many that are settled on unlocated lands

were by an act of the last assembly, allowed a preference and short indulgence to enable them to secure their improvements, but their being no legal and certain mode by which such occupiers could procure warrants, they have become alarmed, fearing their labor should become forfeited and lost, by means of others laying warrants, already in existence under former laws of North-Carolina, on their improvements; permit me to suggest should such advantages be encouraged, it would only benefit a few individuals, ruin and distress many poor families, and by no means tend to promote the public utility. Those occupants, tho' many of them poor, are a serviceable class of people, and have their usefulness in all governments, and are much entitled to the guardianship and protection of the representatives of their country; who, I have no doubt, will relieve them from any further apprehensions of losing their improvements.

The landed property in this state is meriting the highest consideration, and demands the most serious and deliberate attention of the legislature, who, no doubt will devise such measures as will render secure the legal and lawful holders thereof, and by no means suffer them to be longer shackled with incumbrances that will sink the real value of the same, after being recovered by a long and tedious course of law; such circumstances render our most dear and best property of less value, and is highly injurious to the settlement and population of the state.

The common and usual mode of taxation is amply sufficient to serve all the purposes of the state, and may be lessened if thought necessary, for no extraordinary expenditures are resorted to. The surveyors and review of the lands lying north of French's Creek and Blo'sburg, exclusively of that allotted for the establishment of seminaries of learning, will be a desirable measure for the purpose of appropriating the proceeds to the improvement of the purposes, which may be desirable in that direction, for the navigation of our rivers, erecting and clearing our roads, erecting public buildings, and repairing our bridges, which (together with that of the public lands) will be a very proper and necessary call on our resources.

The emigration into the state within the last twelve months exceeds any thing of the kind that has heretofore taken place, and it will be incumbent on the legislature as soon as practicable, in order to extend our settlements, to procure further relinquishments of our territorial claim, which I have no doubt may, without difficulty, be obtained. The sooner so desirable an object can be procured, so much greater in proportion will the interest of your constituents be promoted; and whenever the same can be effected, and added to our present circumstances will most certainly place Tennessee amongst the most enviable and easy situations in the union.

Humanity and policy call aloud for a revision of the criminal code of our laws. Experience has led the greater part of our most respectable sister states to abolish the inhuman and prompt mode of punishing with death, those unhappy wretches who violate the laws of their country, and have substituted other modes, (tho' not exempt from punishment) which greatly ameliorate the sufferings of humanity, the culprit, and softens the distress of the unfortunate friends and relatives. Those states who have made the experiment find the property of the citizen to be equally, if not better secured and protected than by those sanguinary laws.—Would it not be highly worth the consideration of the legislature to introduce some other mode in lieu of the present, whereby there would not be such repeated examples of cruelty exercised under the law of a republican government?

The past season has not been so propitious to our crops as it has in a common way heretofore been. It appears that our principal staple article of trade will be much lessened, and is also likely to suffer in its value, and of course will occasion the article of specie much more difficult and inconvenient to obtain. For your consideration permit me to suggest, would it not be advisable, and perhaps of great interest to the state, for the government to accept, on the first installment payable for lands on the south side of French Broad and Holston rivers, from all those who may find it inconvenient to discharge the same, an interest on the said installment? I have the greatest confidence in the propriety of such a measure, as, in the first place, the

lien on the lands will be continued as a sufficient security, and, in the second, the interest will increase the funds of the state.

I am bound to say to your honorable body, that I deeply regret the idea of being again involved in all the horrors of a barbarous and unchristian war, but at the same time I am very much comforted by believing and hoping our national government has given no cause for the bringing about the calamity; I pray Heaven may avert the appeal to arms and bloodshed, but should the direful event be inevitable, I shall rest with the fullest confidence, that your patriotism will be such, as to afford all the aid in your power, and that but one sentiment will actuate and inspire us all with a full determination to defend, to the last extremity, our injured and insulted country.

I deem it necessary to inform you that *Wm. L. White, Esq.* one of the Judges of the Superior Courts of Law and Equity, has resigned; and that *William B. Franklin, Esq.* has resigned his office of Secretary of State.—Temporary appointments have been made, and as they are important offices, it may be proper to speedily supply the vacancies with permanent appointments.

Such for the present, are the communications I deem necessary to lay before you. Sundry others, in due time, will be presented in the course of the session.

JOHN SEVIER.

Knoxville, Sept. 24th, 1807.

On motion, ordered that the following message be sent to the house of representatives:

The senate have appointed Messrs. White and Workley as a committee on their part, to take under consideration the communication of his excellency the governor, to act with such gentlemen as you may think proper to name.

A message from the house of representatives.

We have appointed Messrs. Dandridge and Little on behalf of this house, to wait on his excellency the governor, to act with such gentlemen as you may think proper for the purpose, to inform his excellency of his election, and to know when it would be most convenient for him to be installed in his office, and ask your concurrence; which

was read, concurred with, and ordered that a message be sent to the house of representatives, informing them thereof, which was sent accordingly. And also proposing that the same committee inform his excellency, that John Rhea, George Washington Campbell and Jesse Wharton Esquires, are elected to represent this state in the congress of the United States.

Received from the house of representatives, a letter addressed to Thomas Williamson from Robert Thompson, relative to the land law, and which was read and referred to the land committee.

On motion of Mr. Russell, a resolution, was adopted, That the secretary of state be requested to lay before the legislature, all the books and acts of assembly of this state, as well as those of other states, and the acts of the congress of the United States, for the use of the general assembly, a message was sent informing the house of representatives, thereof.

Received from the house of representatives, returns of the revenue of Claiborne county; also, a return of the amount of revenue of Sumner county; which was read and referred to the committee of finance.

Received from the house of representatives a message, proposing to meet in the representatives chamber on Saturday next, for the purpose of electing one attorney general and one judge. Ordered to lay on the table for consideration.

The house then adjourned until to-morrow morning 9 o'clock, A. M.

FRIDAY, September 25th, 1807.

The house met according to adjournment.

On motion of Mr. Weakly, the message received from the house of representatives relative to meeting in the representatives chamber on Saturday the 26th, at 2 o'clock P. M. in order to elect one attorney general and one judge, and ordered to lie on the table, was taken up, read and non concurred with.

On motion, ordered that a message be sent to inform the house of representatives thereof, which was sent accordingly; and, also proposing, that instead of meeting

on Saturday, that this house meet in the representative chamber on Thursday next at the hour of 12 o'clock, for that purpose.

Mr. Weakly presented the petition of the executors of Thomas Milloy, relative to sundry military land warrants, which was read, referred to the committee who have under consideration the land law, and sent to the house of representatives.

Received a petition of sundry inhabitants of Stuart county, relative to the land law of this state, which was read and referred as the petition above.

Received a message from the house of representatives, stating that the name of Mr. Dardis was stricken out from the committee of claims, and the name of Mr. Cocke inserted; which was concurred with.

On motion, ordered that a message be sent, informing the house of representatives thereof, which was done accordingly.

Received from the house of representatives a return of the taxable property of Sullivan county, for the years 1802,

1807; which was read and referred to the committee of finance as by the house of representatives.

Received from the house of representatives, returns of the taxable property of the county of Robertson, for the years 1805 and 1806. Also, the clerks account for said county for the years 1804—5 and 6.

Also, the taxable property and polls of the county of Carter, for the years 1805—6 and 7.

Also, the taxable property of Montgomery county, for the year 1806, and taxes received in said county for said year; which were read and referred to the committee of finance as by the house of representatives.

Received from the house of representatives a message with the following resolution:

Mr. Speaker and Gentlemen of the Senate,

This house has adopted the enclosed resolution, to which we ask your concurrence, and appoint on the part of this house Messrs. Cocke, Dardis and Black, as a committee to act with such gentlemen as you may think proper to appoint, to carry the same into execution:

Resolved, that a joint committee be appointed by both

hours of this legislature; to take under consideration that part of his excellency's communication relative to the late attack made by a British ship of war on the American frigate Chesapeake; and that said committee draft an address to be laid before the congress of the United States, by our representatives in congress, expressive of the sense and opinion of this legislature on the subject of the late outrage, and the approaching difference between the two nations. Ordered to lie on the table for farther consideration.

Received a message from the house of representatives, stating that they had concurred with this house in a resolution requesting the secretary of state to lay before the legislature, all the books and acts of assembly, as well as those of other states, and the acts of congress of the United States. And also a message concurring with this house that the committee appointed to wait on his excellency the governor, to inform him of his election, also inform him, that John Rhea, George W. Campbell and Jesse Wharton, Esquiers, are elected to represent this state in the congress of the United States.

This house adjourned until 3 o'clock P. M.

Next according to adjournment.

Received an estimate of the government tax of Cocke county, for the years 1806 and 1807, which was read, referred to the committee of finance and sent to the house of representatives.

Received from the house of representatives, a bill to suspend certain sections of an act entitled "An act directing the division of this state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the *bona-fide* claims against the same, agreeable to an act of Congress passed the eighteenth day of April, one thousand eight hundred and six, entitled "An act to authorise the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed at Knoxville, the twelfth day of September, one thousand eight hundred and six; which was read the second time, amended, passed and sent to the house of representatives.

Mr. Poulas moved for leave and presented a bill to amend the law for the incorporation of the land; which was read the first time, passed and sent to the house of representatives.

Mr. Westly presented a bill for the relief of the landed interest of the state; which was read the first time, referred to the committee who have charge of the petition the land law, and sent to the house of representatives.

Mr. Russell presented a bill for the relief of the landed interest of the state; which was read the first time, referred to the committee who have charge of the petition the land law, and sent to the house of representatives. With a message accompanying the same, informing them that Messrs. Russell and Wilkinson were appointed as a committee on the part of this house, to act with such gentlemen as they might think proper to appoint to report on said petition.

Mr. Russell from a committee appointed to wait on his excellency the governor elect, and inform him of his election as governor of this state, and also inform him of the election of John Khea, George W. Campbell and Jesse Wharton, Esquires, as members to congress, and also to know at what time his excellency wish to be installed; report, that he had waited on the governor, and received for answer, that he would meet at the representatives chamber on Friday next, at the hour of 3 o'clock, P. M.

On motion of Mr. Wilkinson, the following resolution was adopted:

Resolved, that a joint committee of both houses be appointed to enquire if any, or what alterations or amendments are necessary in the judicial system of the state; and report by bill or otherwise. On motion, Messrs. White, Humphries and Wilkinson, were appointed as a committee on the part of this house, to act with such gentlemen as the house of representatives shall think proper to appoint; and that a message be sent to the house of representatives informing them thereof, which was done accordingly.

SATURDAY, September 26th, 1807.

The house met according to adjournment.

Received from the house of representatives, A bill to amend certain sections of an act entitled "An act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the *bona-fide* claims against the same," agreeable to an act of congress, passed the 18th day of April 1806, entitled "An act to authorise the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," which was taken up and the reading thereof progressed in as far as the word 'twenty' in the first section, which is in the following words, to wit :

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the twentieth, twenty-fifth, twenty-sixth, thirty-fourth, thirty sixth, forty-eighth and fifty-third sections of the before recited act, and all proceedings under them or either of them, shall be and hereby are suspended until the expiration of the present session of the general assembly.

Which word 'twenty,' it was moved by Mr. Perkins should be stricken out, and on the question being put that the same be stricken out, it passed in the negative, and the yeas and nays were as follows, to wit :

Yeas—Messrs. Wilkinson, Douglass and Perkins. 3.

Nays—Messrs. Weally, Russell, Lea, Doherty, Walton White, Humphries and Tipton. 8.

Whereupon the said bill was read the third and last time, passed and sent to the house of representatives.

Received a bill to alter the names of certain persons therein named, which was read the second time, passed and sent to the house of representatives.

Mr. Perkins presented the return of the register for the county of Williamson, which was read, referred to the committee of finance & sent to the house of representatives.

Received from the house of representatives a message, concurring with the proposition of this house in meeting in the representatives chamber, on Thursday next, at 12 o'clock, for the purpose of electing a judge and an attorney general.

Received from the house of representatives a list of the

taxable property of Rome county, for the years 1806 and 1807 ; which was read and referred to the committee of finance as by the house of representatives.

Also, amount of fees of the register in Anderson county, for 1805 and 1806, read and referred as the above.

On motion, ordered that the following be adopted as an additional rule for the government of this house :

Rule 15th. Any member by stating to the house the contents of a paper, may have it read as a matter of course unless it is expressly objected to.

Mr. Russell presented the petition of Rebecca Thornburg, for a divorce from her husband Isaac Thornburg ; which was read, referred to the committee of propositions and grievances and sent to the house of representatives.

Received from the house of representatives a message concurring with this house in appointing a select committee to take under consideration the petition of a number of the inhabitants of Greene county, relative to the encouragement of Iron-works, &c. name on their part Messrs. Guin, Edwards, Haynes and Cheatham, to act with the gentlemen appointed by this house.

Mr. White presented the return of the register of Knox county, for the years 1805 and 1806.

Received from the house of representatives a message enclosing the following resolution :

Resolved, that the act entitled " An act to suspend certain sections of an act entitled " an act directing the division of this state into convenient districts, for the appointment of principal surveyors thereof," &c. be printed as soon as may be ; and that ten copies be struck for each member of the senate and house of representatives ; and have nominated Messrs. Dardis and Edwards on the part of this house, to contract for the printing of the same ; which resolution was concurred with, and Mr. Russell appointed on the part of this house to act with the gentlemen appointed by the house of representatives.

A message was sent to the house of representatives, enclosing the following resolution :

Resolved, that a select committee be appointed to take under consideration that part of the governor's message which relates to the late attack made by the British ship of

war, on the United States frigate Chesapeake; and draw up an answer thereto, expressive of the sentiments which this legislature entertains of that lawless & unwarrantable proceedings; and that an answer be presented to the governor, with a request that he forward a copy thereof to the President of the United States. And that messrs. White & Weakly are appointed on the part of this house, to act with the gentlemen by you named.

Received a message from the house of representatives, concurring with the resolution of this house in appointing a joint committee of both houses to take into consideration the judicial system of this state; and have appointed on the part of that house Messrs. Trimble, Cocke, Blount, Dixon, Guin and Young, to act with the gentlemen by this house appointed.

A message was sent to the house of representatives, enclosing the following resolution:

Resolved, that ten copies of the governor's message be printed for each of the members of this legislature, and that the committee already appointed to contract with the printer, be directed to contract for the same.

The house then adjourned until 3 o'clock, P. M.

Met according to adjournment.

On motion of Mr. Russell, Mr. Preston had leave of absence he being indisposed.

Mr. White from the committee of enrolments, reported that they had examined "An act to suspend certain sections of an act entitled 'an act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the bona-fide claims against the same, agreeable to an act of congress, passed the 18th day of April one thousand eight hundred and six, entitled 'An act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described; and to settle the claims to the vacant and unappropriated lands within the same,'" passed at Knoxville the 12th day of September 1806; and found it correctly engrossed, which was signed by the speaker of the senate, and sent to the house of representatives.

Received from the house of representatives, a bill regulating costs in criminal prosecutions; which was read.

The first time passed & sent to the house of representatives.

Mr. White presented the memorial of John Lhea, relative to an entry made in John Armstrong's office which was read, referred to the land committee and sent to the house of representatives.

Received a message from the house of representatives nonconcurring with our resolution for printing ten copies of the governor's message for each member of this legislature.

Received a message from the house of representatives concurring with this house in appointing a select committee to take under consideration that part of the governor's address which relates to the late outrage committed by the British ship of war on the United States frigate Chesapeake, and draw an answer expressive of the sentiments which this legislature entertain on that subject and that said answer be presented to the governor, with request that he forward a copy thereof to the President of the United States.

Mr. Wilkinson presented the petition of James G. relative to Iron-works; which was referred to the select committee who have under their consideration that subject.

Thomas Crutcher, Esq. treasurer of Mero district appeared before the senate and offered to make settlement according to act of assembly.

The house then adjourned until Monday morning at 10 o'clock.

MONDAY, September 23th, 1807.

The house met according to adjournment.

On motion of Mr. Weakly, ordered that a message be sent to the house of representatives to inform them that Thomas Crutcher, Esq. treasurer of Mero district, appeared before this house on Saturday last, and offered to make settlement agreeably to act of assembly.

Mr. Weakly presented a statement of public monies received by Joseph Herndon clerk of Ruthersford county from the 10th of October 1805, to 1st of October 1806 which was read and referred to the committee of finance and sent to the house of representatives. Also, a list of taxable property, which was read and referred as above and sent to the house of representatives.

On motion of Mr. Preston, the following resolution is adopted, to wit :

Resolved, that on Thursday next, immediately after the election for judge and attorney general, the two houses proceed to the election of a secretary of state. Ordered, that a message be sent to the house of representatives informing them thereof, which was done accordingly.

Mr. Russell presented the returns of public taxes and polls of Greene county, for the years 1806 and 1807.

Mr. Perkins presented the return of taxes on law proceedings, and taxable property and polls for the county of Williamson, for the years 1805 and 1806.

Mr. Wilkinson presented the returns of public taxes and taxes on law proceedings for the county of Sevier, for the years 180 and 180 ; which were severally read, referred to the committee of finance and sent to the house of representatives.

The house then adjourned until 3 o'clock, P. M.

The house met according to adjournment.

Received a message from the House of representatives concurring with the resolution of this house, for electing secretary of state, after a judge and attorney general are elected on Tuesday next.

Received a message from the house of representatives, stating that Mr. Thomas M. Corry, treasurer of Washington and Hamilton districts, states to the house of representatives, that he is ready to make a settlement as treasurer for the years 1805 and 1806.

Mr. Russell moved for leave and presented, a bill to repeal a certain act therein named; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill to alter the names of persons therein mentioned; which was read, and on motion of Mr. Russell, ordered to lie on the table until Friday next.

Received from the house of representatives, a list of polls and taxable property from the clerk of White county, for the year 1806, which was read and referred to the committee of finance.

Mr. Stuart W. Thornton, Esq. serjeant at arms for the senate of the state of Tennessee, made return of two

subpoenas executed on Isaac Philips and John Philips, according as he was directed.

Received a message from the house of representatives, stating that they had appointed Messrs. Trimble, Cocke and Dardis, additional managers to act in conjunction with Mr. White, formerly appointed a manager by that house to conduct the impeachment preferred by the house of representatives against Isaac Philips and John Philips, justices of the peace for the county of Robertson; and requesting of the senate, to take such order as will compell said Isaac Philips and John Philips, to answer said articles, and to enable the managers to obtain such process as will be necessary to enforce the attendance of such witnesses as will be necessary to support such charges. To which message an answer was sent, stating that the senate had received the message of the house of representatives, informing them that they had appointed Messrs. Trimble, Dardis and Cocke, additional managers to act in conjunction with Mr. White formerly appointed a manager by the house of representatives, to conduct the impeachment preferred by that house against Isaac Philips and John Philips, justices of the peace &c. and now inform you that subpoenas against the said Isaac Philips and John Philips, calling upon them to appear and answer said articles, have by order of the senate been issued and are returned on this day, and the senate will this evening at four o'clock, be ready to consider of any application the said managers on behalf of the house of representatives, may think proper, to make.

On motion of Mr. White, the legislative business of the senate is suspended until to-morrow morning eleven o'clock, for the purpose of going into the trial of the impeachment exhibited by the house of representatives, at the last session of the general assembly, against John Philips and Isaac Philips, justices of the peace for Robertson county. The following oath was administered by Josiah Nichol, Esq. to each member of the court:

"You do solemnly swear or affirm, that in all things appertaining to the trial or impeachment of Isaac Philips, you will be impartial judges, according to the constitution and the laws of the state of Tennessee."

The honorable Mr. M'Minn was appointed president of the court.

The managers of the impeachment on the part of the house of representatives against Isaac Philips appeared before the court in order to progress in said trial.

Ordered by the court, that the secretary administer the following oath to Stewart W. Thornton, serjeant at arms. "You do solemnly swear, that the returns made and subscribed by you, upon the process issued on the 12th of September 1803, by the senate of the state of Tennessee against Isaac Philips, is truly made, and that you have performed said services as therein described," which was done accordingly.

Isaac Philips having appeared in his proper person, and being charged—pleaded not guilty.

On motion of the managers, it was ordered that the trial of said impeachment be continued until the 20th of October next; and that subpoenas issue on the application of the managers, or of the defendant, for any person they or either of them shall think proper; and that the subpoenas shall be on the following form, signed by the speaker and attested by the secretary:

<i>The State of Tennessee,</i>	}	<i>To Stewart W. Thornton,</i>
<i>vs.</i>		<i>Serjeant at Arms,</i>
<i>Isaac Philips.</i>		GREETING:

YOU are hereby commanded to summon to appear before the senate of the state of Tennessee, on the 20th day of October next, in the senate chamber, in the town of Knoxville, then and there to testify your knowledge of the cause which is before the senate, in which the house of representatives have impeached Isaac Philips. Herein fail not. Witness, Joseph M'Minn, speaker of the senate thereof, at Knoxville this 28th day of September, in the year of our Lord one thousand eight hundred and seven, and of the independence of the United States the thirty-second.

The court was then qualified on the impeachment of John Philips, by Josiah Nichols, Esq.

Ordered by the court, that a similar oath be administered to Stewart W. Thornton, serjeant at arms, by the secretary, as in the case the state against Isaac Philips,

which was done accordingly.

John Philips having appeared in his proper person, and being charged—pleaded not guilty.

On motion of the managers, it is ordered that the trial of said impeachment be continued until the 20th of October next, and that subpoenas issue as in the case the state against Isaac Philips.

The court adjourned until to morrow morning 9 o'clock.

TUESDAY Morning, September 29th, 1807.

The court met according to adjournment.

On motion of Mr. Humphreys, further proceedings in the impeachments of John Philips and Isaac Philips are suspended until the 20th of October next.

TUESDAY, 11 o'clock, September 29th, 1807.

The senate resumed the ordinary business of legislation.

Mr. Preston who had leave of absence returned.

Mr. Weakly presented sundry petitions of Howel Tatum, relative to land warrants ; which were read, referred to the committee who have under consideration the land law, and sent to the house of representatives.

On motion of Mr. White, the following resolution was adopted :

Resolved, that a joint committee be appointed to settle with the public printer, and report whether the public-printing has been done agreeable to law ; and Messrs. Walton and Preston, are appointed as a committee on the part of this house to act with such gentlemen as shall be appointed by the house of representatives.

Ordered, that a message be sent to the house of representatives informing them thereof, which was done accordingly.

Received a message from the house of representatives, enclosing the following resolution :

Resolved, that the governor of this state be requested to lay before this general assembly, the strength and condition of the militia of this state ; which was concurred with, and a message sent to the house of representatives informing thereof.

Received from the house of representatives a message enclosing the following resolution :

Resolved, that a joint committee of this general assembly be appointed to take into consideration the militia laws of this state, and be authorised to report by bill or otherwise; and have appointed messrs. Cöcke, Young, Dyer and Doran, to act with such gentlemen as you may appoint, which was concurred with; messrs. Döherty and Tipton, appointed a committee on the part of this house to act with the gentlemen on the part of the house of representatives, & a message sent informing that house thereof.

Received from the house of representatives, A bill to prohibit any person or persons from entering, surveying or obtaining a grant for any occupant claim, &c. read the first time, passed and sent to the house representatives.

Received from the house of representatives the petitions of Isaac Coleman and William Harrison, praying relief in certain land cases.

Also, a certificate signed by William Sanders lieutenant, and John Nelson first major of North-Carolina regiment, certifying that John Collins was a soldier in the N. Carolina line, enlisted for during the war; which were severally read and referred to the committee who have under their consideration the land law.

Received from the house of representatives; the petition of sundry inhabitants of Rutherford county, relative to the seat of justice in said county; which was read and referred to the committee of propositions and grievances as by the house of representatives.

Mr. Russell presented a bill authorising the clerks of the county courts or their lawful deputies, to take the probate of deeds, &c. during the recess of courts; read the first time, passed and sent to the house of representatives.

Mr. Perkins presented a bill to repeal the second section of an act entitled 'an act for the better security of the trial by jury in the superior courts;' read the first time, passed and sent to the house of representatives.

Received a message from the house of representatives informing this house that they had appointed a select committee to take under their consideration the inspection of cotton, and had appointed messrs. Scott, Dardis, Edwards, Cheatham, Bradley and Lillard, on their part for that purpose; which was concurred with, messrs. Hum-

phreys, Doherty & Perkins, appointed as a committee on the part of this house to act with the gentlemen appointed by the house of representatives, and a message sent informing them thereof.

Received from the house of representatives the memorial of the trustees of Washington college ; which was read and ordered to lie on the table for the information of the house.

Received from the house of representatives sundry petitions of Jacob Jones and Jesse Roysdon, relative to running the line between the counties of Anderson and Roane, which were read and referred to the committee of propositions and grievances.

Also, sundry depositions relative to surveyors running sectional lines ; which on motion of Mr. Tipton, were referred to the committee who have the land law under consideration.

Received from the house of representatives a message concurring with the resolution of this house in appointing a joint committee to settle with the public printer, and report whether he has done the public printing according to law ; and informing this house that Messrs. Trimble, Haynes, Williamson and Kirby, were appointed on their part to act with the gentlemen appointed by this house for that purpose.

Received from the house of representatives, a bill to establish a college in East-Tennessee ; which was read the first time, passed and sent to the house of representatives.

Also, a bill to alter the names of persons therein mentioned ; which was read the third time, passed and sent to the house of representatives.

On motion of Mr. Weakly, the following resignation of John Nichols, Esq. a justice of the peace of Davidson county, was read, received and sent to the house of representatives :

Davidson county court, July sessions 1807.

John Nichols, Esq. declines serving any longer as a justice of the peace, and caused the same to be entered of record.

Attest,

Andrew Ewing.

Mr. Russell presented the petitions of Steven Majors and George Brown, relative to registers ; which were read, referred to the committee of claims and sent to the house of representatives.

The house adjourned until to-morrow 3 o'clock P. M.

WEDNESDAY, September 30th, 1807.

House met according to adjournment.

Received from the house of representatives a memorial and resolutions of the trustees of Blount college ; which was read and ordered to lie on the table for the information of the house.

Also, a petition of sundry inhabitants of Sumner county, relative to separate elections and battallion musters ; which was read and referred to the committee of propositions and grievances.

Mr. Russell presented a petition of a number of the inhabitants in the south west corner of Greene county, relative to separate elections at the house of John Lloyd in Warrensburgh ; which was read, referred to the committee of propositions and grievances and sent to the house of representatives.

Received an address from the honorable Joseph Anderson ; which was read, ordered to be entered on the journal and sent to the house of representatives ; which is as follows :

The Honorable, the General Assembly, of the State of Tennessee.

GENTLEMEN,

In conformity with the principles of the government under which we have the happiness to live, I have heretofore held it my duty as a senator, to report to your honorable body, such material and important matters as concerned the interest of our state, and which have been made the subject of discussion in the congress of the United States ; but I have now to lament that my absence from congress the last session, precludes me from the greatful task of performing my duty in this respect agreeable to my former practice ; and for this act of omission, I hold myself emperiously bound to offer to your honorable body, such reasons as I trust will plead my apology.

Shortly previous to my usual time of starting to congress, I had been about two weeks absent from home, on my return I found my two youngest children so extremely sick, that without sacrafising all the feelings and duties of a parent, I could not have left them nor were they in a situation to be left, until near the first of December, when I had appointed a day to start, the day previous to which, by attempting to carry into the house a log of wood, one of my feet slipped; and the end of the log-fell with such violence upon the other foot, that it bruised it so badly, that for some time I could neither get on shoe or boot, nor did I recover from this wound so as to enable me to undertake so long a journey, until some time in January, when I had again determined to start; a day or two previous to the time of my intended starting, I was informed by the surveyor of the lands south of French Broad, that a part of a tract of land which I had purchased, and for which I had given a great price, was about to be claimed by a person holding an occupant right next below my claim on Big Pigeon river—having a very great aversion to be engaged in a law suit, and possessing the common feelings of man to his interest, and to the duties I owed to a young and numerous family, I adventured to borrow a few days, which I must acknowledge, I then considered as belonging to the public, and which I had determined to use for the purpose of amicably settling the disputed claim, and thereby avoid the sad effects, of a tedious law suit; the compromise I effected in about five days to our mutual satisfaction; and for this transgression upon the time which I thus adventured to borrow from the public, I must and shall submit without a murmur, to such decision as your honorable body, may in the exercise of your individual liberality and benevolence, think proper to pass; but previous to such decision being made, I must ask the favor of every honorable member, to make my peculiar case his own. Immediately after I had thus accomodated, my dispute with the other occupant claimant I returned home, with the determination of starting the next day, but it seemed as if some fatality had fixed its fiat against my intended journey, for on the night preceeding the day upon which I had ap-

pointed to start, I was seized with a very violent inflammation in my head and face, which confined me to my room, for upwards of two weeks, and from which indisposition, I did not recover, until so late in February, that it would have been impossible for me to have reached congress but a very few days if at all, before the third day of March, the constitutional day of rising. This circumstanced, I must submit the whole case, to the sound discretion and liberality of your honorable body, claiming no other merit on my part, than the consciousness of having faithfully discharged my duties as a senator to the utmost of my abilities for nine years preceeding the last session of congress, during which term of nine years, many things have been done for the benefit of the state ; some of them important, in each of which, I claim to have had a full share. I ask no more, nor do I believe your honorable body will think me entitled to less.

Under these impressions, I take leave to subscribe myself with sentiments of very high consideration and respect, your faithful and obdt. servt.

JOSEPH ANDERSON.

Knoxville; 30th Sept. 1807.

Mr. Preston presented the claim of Daniel Ratlier constable, for expences incurred by him in conveying a person from Roane county to Jonesborough ; which was read and referred to the committee of claims, and sent to the house of representatives.

Received from the house of representatives a memorial and resolutions of the trustees of Greeneville college ; which was read and ordered to lie on the table.

Also, a bill to repeal the second section of an act entitled " an act to repeal an act entitled ' an act for the better security of the trial by jury in the superior courts ; " which was read and ordered to lie on the table until Friday next.

Also, a bill to repeal a certain act therein mentioned ; which was read the second time, passed and sent to the house of representatives.

Also, a petition of George Brown, register of Greene county, praying compensation for transcribing the records and grants in said county ; which was read and referred

to the committee of propositions and grievances.

Received a message from the house of representatives enclosing the following resolution :

Resolved, that immediately after the election of judge, attorney-general and secretary of state, both house proceed to the election of a public printer, in conformity with an act of the last session of the general assembly which was ordered to lie on the table.

The house then adjourned until to-morrow 9 o'clock

THURSDAY, October 1, 1807.

The house met according to adjournment.

A message was sent to the house of representatives nonconcurring with the resolution of that house of proceeding to the election of a public printer immediately after the election of judge, attorney-general and secretary on this day in the representatives chamber, in conformity with an act of last session of the general assembly.

A message was sent to the house of representatives, informing that house that messrs. Weakly and White, were appointed on the part of this house to superintend balloting for judge, attorney-general and secretary ; which was concurred with by that house, and a message sent informing this house that Messrs. Dardis and Lillard were appointed to act with the gentlemen by this house chosen.

Received a message from the house of representatives informing this house that Robert Houston, Esq. secretary of state, in pursuance of a resolution of both houses of this general assembly, has laid before that house, sundry books, being acts of the legislature of this state, journals of the general assembly of this state, and acts and journals of the congress of the United States ; also, the acts of the state of Maryland, and sundry acts of other states.

Also, received from the house of representatives, a petition of George D. Blackmore of Sumner county, praying to be compensated for expences by him incurred in procuring a standard of weights, &c. which was read and referred to the committee of propositions and grievances.

In conformity of a resolution of both houses, the speaker and gentlemen of the senate retired to the representatives chamber for the purpose of electing a judge, at

ney-general & secretary of state, when both houses of the legislature proceeded to ballot for a judge; Archibald Roane, Thomas Emmerson and Samuel Powel, Esquires, being previously put in nomination. Messrs. White and Weakly, on the part of the senate, and Messrs. Dardis and Lillard, on the part of the house of representatives, were appointed to superintend the balloting, and on counting out the ballots, it appeared that Archibald Roane had fourteen, Thomas Emmerson nine, and Samuel Powel sixteen votes; neither of the gentlemen having a majority of the house, when on motion of Mr. White, the election of judge was postponed until three o'clock, P. M.

The two houses then proceeded to the election of an attorney general, when John Williams, Esq. was nominated, and on counting out the votes it was found that he was unanimously elected.

The house then proceeded to the election of secretary. Robert Houston, William Brown and Andrew M. Lusk, Esqrs. were nominated as candidates; on counting out the votes it appeared that Mr. Houston was duly and constitutionally elected.

The speaker and gentlemen of the senate, returned to the senate chamber.

The house adjourned until 3 o'clock, P. M.

Met according to adjournment.

The speaker and gentlemen of the senate again repaired to the representatives chamber to elect a judge, when on motion of Mr. White, Mr. Emmerson's name was withdrawn; and on motion of Mr. Trimble, the name of Mr. Roane was withdrawn. On counting out the votes it was found that Samuel Powel, Esq. was duly and constitutionally elected: whereupon the speaker of the senate in presence of both houses, declared Samuel Powel, John Williams and Robert Houston, duly and constitutionally elected. The speaker and gentlemen of the senate returned to the senate chamber.

The house then adjourned until to-morrow 9 o'clock.

FRIDAY, October 2, 1807.

The house met according to adjournment.

Mr. Douglass presented the petition of a number of the

citizens of Sumner, relative to the inspection of cotton which was read, referred to the committee who have cotton business under their consideration and sent to the house of representatives.

Mr. Russel presented sundry affidavits & certificates relative to Camp creek Iron-works; which were read, referred to the committee who have that subject under consideration, and sent to the house of representatives.

Received from the house of representatives, a bill to repeal the second section of an act entitled "an act to repeal an act entitled 'an act for the better security of the trial by jury in the superior courts;'" which was taken up and on motion, ordered to lie on the table.

Received from the house of representatives a message with the following resolution:

Resolved: That ~~the~~ each of the governor's communication as relates to calling the attention of this general assembly to the state of our criminal code, be referred to the select committee of both houses, to which was referred the judiciary system of this state; which was concurred with; and a message sent informing the house of representatives thereof.

Also, a petition of Eliza Spurgen and George Webb administratrix and administrator of the estate of John Spurgen deceased, praying a law to be passed, authorising them to make a conveyance of land to Thomas Cox, &c.

Also, a petition of sundry inhabitants of Anderson county, respecting the limits of said county, and praying that the same may be extended.

Also, a petition of sundry citizens of Sullivan county praying to have privilege granted them, of building a fish trap in Holston river; which were severally read and referred to the committee of propositions and grievances.

Received a message from the house of representatives concurring with this house in the addition of Mr. Douglass to the committee who have under consideration the judiciary system of this state; and also propose, Messrs Dardis and Crawford, in addition to the committee on the part of the house of representatives; which was concurred with.

Also, a message concurring with this house in appointing

a committee to wait on his excellency the governor, and inform him who are elected judge, secretary and attorney-general; and also that said committee, conduct his excellency to the representatives chamber, there to be installed; and name on our part, messrs. Dixon, Edwards, Willard, Cannon, Doran and Mitchell, to act with the gentlemen appointed by the senate; and farther propose, that the same committee wait on one of the judges of the superior court, and request him to attend and administer the oaths of office to his excellency; which was concurred in, and a message sent informing the house of representatives thereof.

The house adjourned until 3 o'clock, P. M.

The house met according to adjournment.

The speaker and gentlemen of the senate in conformity with a joint resolution, retired to the representatives chamber for the purpose of having the necessary oaths administered to the governor elect, which were administered by the honorable John Overton in his official capacity; on which his excellency presented an address to both houses in writing, which was read at the clerks' table.

The speaker and gentlemen of the senate then retired to their chamber.

The house adjourned until to-morrow morning 9 o'clock.

SATURDAY, October 3, 1807.

The house met according to adjournment.

Received from the house of representatives, a bill to rectify a mistake in an act entitled "an act to establish a college in West-Tennessee," passed the 11th day of September, 1806; which was read the first time, passed and sent to the house of representatives.

Mr. Preston presented the amount of taxes collected on merchants licence, ordinary licence, deeds of conveyance and stud horses, for the year 1805; which was read, referred to the committee of finance, and sent to the house of representatives.

Mr. White presented the petition of Andrew M. Lusk, praying to be compensated for making extracts from John Armstrong's entry book, for the use of the board of commissioners for West-Tennessee; which was read, refer-

red to the committee of claims and sent to the house of representatives.

Mr. Russell presented a memorial of Stephen Brooks, relative to a military land warrant ; which was read, referred to the committee who have the land law under their consideration, and sent to the house of representatives.

Mr. Douglass presented a petition of sundry citizens of Sumner county, relative to penal laws, &c. which was read, referred to the select committee who have under consideration the criminal code, &c. and sent to house of representatives.

Received from the house of representatives the amount of taxes collected by the register of Hawkins county, from the 10th of October 1804, up to the 10th of October 1805 ; which was read and referred to the committee of propositions and grievances.

Mr. Wilkinson moved for leave, and presented a bill to provide for the payment of witnesses in criminal prosecutions ; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives a petition of John Chapman of the town of Gallatin, relative to the stray-pen in said town, and praying to have leave to move the same.

Also, a petition of David Dement of the same place, respecting the jail in said town, praying to have leave to move the same, &c. which were severally read and referred to the committee of propositions and grievances.

Mr. Preston being indisposed, moved for leave of absence until Tuesday next, which was granted him.

The house adjourned until Monday, 11 o'clock.

MONDAY, October 5th, 1807.

The house met according to adjournment.

Mr. Tipton obtained leave of absence, until Tuesday next.

On motion, ordered that the following address of the governor to both houses of the legislature, be entered on the journal :

Mr. Speaker and Gentlemen of the Senate, and

Mr. Speaker and Gentlemen of the House, of Representatives,

Being again honored with the confidence of my fellow citizens, places me under very particular and grateful obligations to the free people of Tennessee. I solemnly hope, that the important trust reposed, with the assistance of a kind providence, will be duly and faithfully administered and discharged. So far as my abilities may enable me, my fellow citizens may rest assured that I shall exert my most ardent endeavors to promote and support their interest and happiness, and I earnestly pray, that the supreme being will aid and direct you, in your deliberations and councils, to do whatever may be for the welfare and interest of your constituents.

JOHN SEVIER.

October 2d, 1807.

Mr. Humphreys presented the resolutions, &c. of a number of the citizens of Robertson county, relative to the late land law; which was read and referred to the committee who have that subject under consideration, and sent to the house of representatives.

The house adjourned until 3 o'clock, P. M.

The house met according to adjournment.

The house adjourned until to-morrow nine o'clock.

TUESDAY, October 6th, 1807.

The house met according to adjournment.

Mr. Preston who had leave of absence, returned.

The house adjourned until to-morrow morning 9 o'clock, in order that the different committees may have an opportunity of transacting the necessary business assigned them.

WEDNESDAY, October 7th, 1807.

The house met according to adjournment.

Mr. Weakley presented sundry resolutions of a number of the citizens of Davidson county, relative to the land law and the inspectors of cotton; read, referred to the committees having those subjects under consideration and sent to the house of representatives.

Also, the petition of Benjamin J. Bradford, praying to be compensated for publishing lands reported, &c. read,

referred to the committee of claims, and sent to the house of representatives.

Mr. White presented the memorial of Andrew M. Lusk, relative to the construction of that part of the land law which respects the payment of the commissioners; which was read and referred to the committee who have under their consideration the late land law, and sent to the house of representatives.

Received from the house of representatives the petition of Charles Pruet, relative to his serving as a soldier in the service of the United States.

Also, the petition of a number of the inhabitants of Campbell county, relative to the line of said county; which were read and referred to the committee of propositions and grievances.

Received from the house of representatives, a bill to compel persons obtaining writs of certiorari to give security, and to authorise attorneys at law to sign the name of their principle to appeal bonds; which was read the first time, passed and sent to the house of representatives.

Mr. White presented a bill making further provision to carry into effect a contract between the state of Tennessee and Eli Whitney and Phineas Miller; which was read the first time, passed and sent to the house of representatives.

The house adjourned until to-morrow nine o'clock.

THURSDAY, October 8, 1807.

The house met according to adjournment.

Mr. Humphreys presented the petition of a number of the inhabitants of Montgomery county, praying that a separate election be granted them at Palmyra, for governor, &c.

Mr. Doherty presented the memorial of William Cocke relative to opening a road from near the place where Wright Bond now lives, to pass by said Cocke's Iron-works, and over Clinch mountain, and erecting a turnpike on the same; which were read and referred to the committee of propositions and grievances and sent to the house of representatives.

Received from the house of representatives a petition of a number of the inhabitants of Rutherford county, pray-

ing that a new county may not be laid off, until the next general assembly.

Also, a memorial of Robert King, praying to be compensated for services by him rendered in laying out and marking a road from Washington district to Nashville.

Also, a petition of sundry citizens of Anderson county, relative to the limits of Campbell county, and praying that the limits of said county may be altered, &c.

Also, sundry petitions of the citizens of the town of Jefferson, in the county of Rutherford, praying that the court-house of said county may be permanently established in said town, &c.

Also, the petition of James Walker and Harriet his wife; praying to be divorced.

Also, a petition of sundry inhabitants of Rutherford county, praying a new county to be laid off, including the three forks of Duck river, &c. which were severally read and referred to the committee of propositions and grievances as by the house of representatives.

Mr. Wilkinson presented a bill to authorise the inhabitants of Sequatchy-Valley in the county of Roane, to hold separate musters; which was read the first time, passed and sent to the house representatives.

Received from the house of representatives a list of polls and taxable property in Jefferson county for the years 1805 and 1806; which was read, and on motion of Mr. Doherty, he had leave to withdraw the same.

Also, a petition of William Kilton of Rutherford county, praying the legislature to pass a law authorising him to entail his lands, &c.; which was read, and on motion of Mr. Humphreys, the said petitioner had leave to withdraw the same.

Also, the petition of Lewis Wear and Samuel Maxwell, praying to be allowed for their attendance as state's witnesses against a certain Thomas Pate; which was read and referred to the committee who have under consideration the judiciary system of this state, as by the house of representatives.

Mr. Doherty presented the petition of John Neily, relative to lands by him purchased at sheriffs sales, &c.

Mr. White presented the petition of John Sawyers, re-

lative to pre-emption entries made in Barton's office; which were read and referred to the land committee, and sent to the house of representatives.

The house adjourned until 3 o'clock P. M.

The House met according to adjournment.

Received from the house of representatives, a bill to repeal the first section of an act of the general assembly of the state of Tennessee, entitled "an act to fix the salaries of the judges and attorney general," passed the 13th of September 1806, so far as respects the salary of attorney general; which was read the first time, passed and sent back to the house of representatives.

Also, a bill making further provision to carry into effect a contract between the state of Tennessee, Eli Whitney and Phineas Miller; which was read the second time passed and sent back to the house of representatives.

Also, a bill to compel persons obtaining writs of certiorari to give security, and to authorise attorneys at law to sign the name of their principals to appeal bonds; which was read, amended, and on motion of Mr. White, withdrawn for further amendment.

Also, a bill to rectify a mistake in an act entitled "an act to establish a college in West-Tennessee," passed the 11th of September 1806; which was read, and on motion, withdrawn by Mr. Weakly for amendment.

Also, the petition of Benjamin White and Robert Nall, relative to appointing commissioners to view the stage-road, &c. which was read and referred to the committee of propositions and grievances as by the house of representatives.

Also, a petition of James Stinson, relative to an entry made in John Armstrong's office; which was read and referred to the land committee, as by the house of representatives.

Also, a message accompanied by the following resolution,

Resolved, that the board of commissioners for East-Tennessee, be required to lay before this general assembly, a report of their proceedings, shewing the number of claims filed, of what description, how disposed of, and what number yet remains undecided, and what expences hath been incurred by said board; and further resolved,

that the register of the land office for East-Tennessee, be required to lay before this general assembly, the maps filed in his office, by the principal surveyors of the districts composing East-Tennessee, together with a statement of what settlements he hath made with said surveyors or either of them, and what certificates, if any, he hath issued to them, or any of them, and upon what evidence : which resolution was concurred with, and a message sent informing the house of representatives thereof, together with the following additional resolution. :

Resolved farther, that the said register be also requested to lay before the legislature, such maps as have been filed in his office by the principle surveyors of the districts composing West-Tennessee.

Received from the house of representatives, a petition of the citizens of Sequatchey Valley, relative to their seat of justice, &c. which was read and referred to the committee of propositions and grievances, as by the house of representatives.

The house then adjourned until to-morrow 9 o'clock.

FRIDAY, October 9, 1807.

The house met according to adjournment.

Received from the house of representatives, a message stating that that house had appointed messrs. Lillard and Williamson, in addition to the committee who have under consideration the militia law of this state, and had stricken out the name of Mr. Young from the committee who have under consideration the judiciary system of this state, and inserted the name of Mr. Black in his stead ; which was concurred with, and a message sent informing them thereof.

Received also, a message concurring with the amendment of this house to the resolution respecting the board of commissioners, register, &c. viz. that said register be requested to lay before the legislature the maps filed in his office by the principal surveyors of West-Tennessee.

Also, a message enclosing the following resolution :

Resolved, that a joint committee be appointed to examine and report to the legislature, the state of the suit now depending in the name of the governor against the late treasurer of Mero district and his securities in Hamilton

district, with power to employ counsel to prosecute the same, or to take such order on the same, with the consent of said defendants or their attorney, as will tend to an adjustment of the account between the state and said treasurer; and have appointed messrs. Cocke and Dardis, on the part of this house to act with such gentlemen as you may think proper to appoint: which was read, concurred with, and Mr. Weasley appointed on the part of this house, to act with the gentlemen appointed on the part of the house of representatives, and a message sent informing them thereof.

The house resolved itself into a committee of the whole, Mr. Douglass in the chair, on a bill to establish a college in East-Tennessee, and after some time spent therein, Mr. speaker resumed the chair, and Mr. Douglass reported the bill without amendment.

The house adjourned until three o'clock.

Met according to adjournment.

Mr. Perkins presented the following report from the committee of propositions and grievances, to wit:

That the petition of the citizens of Anderson & Roane counties, praying that the line run and marked between said counties by Jesse Roysdon and John McKamy, be established, and that the said Jesse Roysdon and John McKamy receive compensation for their services.

Also, the petition of Rebecca Thornburgh, praying that she may be divorced from her husband Isaac Thornburg.

Also, the petition of sundry of the inhabitants of Stuart county, relative to fixing the seat of justice in said county.

Also, the petition of sundry of the inhabitants of the lower part of Montgomery county, praying to be admitted to hold separate elections at the town of Palmyra.

Also, the petition of a number of the inhabitants of north of the Red river Cumberland ridge, in Sumner county, praying to be permitted to hold separate elections and battalion musters.

Also, the petition of sundry of the inhabitants of the south-west end of Greene county, praying to be permitted to hold separate elections at the house of John Lloyd in Warrensburgh.

Also, the petition of sundry inhabitants of the upper end

of Stewart county, praying for separate elections at the place called Roslie.

Also the petition of David Dement, relative to moving the public jail in Gallatin.

Also, the petition of John Chapman, praying permission to remove the stray-pen in the town of Gallatin. Are reasonable and ought to be granted.

Also, the petition of sundry inhabitants of Sullivan county, praying permission to build a fish-trap in Holston river ; is unreasonable and ought not to be granted.

NICHOLAS F. PERKINS, c. c.

Which were read and concurred with, and sent to the house of representatives.

Mr. White presented a bill to provide for the appointment of a public printer ; which was read the first time, passed and sent to the house of representatives.

Also, a bill to authorise Philip Thomas to prove his book debt accounts ; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill to repeal a certain act therein mentioned ; which was read the third and last time, passed and sent to the house of representatives.

Mr. White presented the memorial of Reuben Simpson, relative to money which he paid into the office of John Armstrong, for the purpose of making an entry in said office ; which was read, referred to the committee who have under consideration the land law, and sent to the house of representatives.

Mr. White who had withdrawn for amendment, a bill to compel persons obtaining writs of certiorari to give security, and to authorise attorneys at law to sign the names of their principles to appeal bonds, returned the same with sundry proposed amendments ; which was read and adopted. The bill was then read the second time, passed and sent to the house of representatives.

Received a message from the house of representatives proposing that both houses should meet in the representatives chamber on Monday next, at 12 o'clock, for the purpose of going into the election of treasurers of this state, and that Messrs. Dardis and Trimble were appointed on

their part to superintend the balloting; which was concurred with, and Messrs. Weakly and Russell, appointed on the part of this house, to act with the gentlemen appointed by the house of representatives, and a message sent informing them thereof.

Mr. Russell presented sundry petitions of the western inhabitants of Roane county, relative to dividing the said county; which was read, referred to the committee of propositions and grievances and sent to the house of representatives.

Received from the house of representatives a petition of sundry inhabitants of Sumner county, relative to holding separate elections, musters, &c. in said county, which was read and referred to the committee of propositions and grievances.

The speaker laid before the house a note signed, Moses Fisk, stating that he had agreeably to an act of the general assembly, passed at the last stated session, brought forward a revisal of the laws, which he is ready to lay before the general assembly or such committee as they may think proper to appoint for that purpose; which was read, and the following message sent to the house of representatives, to wit:

We herewith send you a notification of Moses Fisk Esquire, that he is ready to lay before the legislature, &c. a revisal of the laws, &c. and have appointed Messrs. Doherty and Douglass, as a committee on the part of this house, to receive said revisal; to which we ask your concurrence.

Mr. Perkins from the committee of propositions and grievances presented the following report: That the petition of Elizabeth Spurgeon and George Webb, is unreasonable and ought not to be granted.

NICHOLAS T. PERKINS, *Chairman.*

Which was read and ordered to lie on the table for further consideration.

House adjourned until to-morrow nine o'clock.

SATURDAY, October 10, 1807.

The house met according to adjournment.

On motion of Mr. White, a bill to establish a college

in East-Tennessee was taken up and read, when Mr. Wilkinson moved to strike out the word "Knoxville" in the eighth section of said bill, for the purpose of inserting Maryville; which was lost. The yeas and nays being called for, were as follow. :

Yeas—Messrs. Russell, Wilkinson, Perkins and Tip-ton.

Nays—Messrs. Preston, Weakley, Lea, Doherty, Walton, White, Humphries, Douglass.

Whereupon said bill was read the second time, amended, passed and sent to the house of representatives.

Mr. Speaker handed to the house the resignation of Thomas Emmerson, Esquire, one of the judges of the superior court of law, &c. which was received, read, ordered to be entered on the journal and sent to the house of representatives, which resignation is in the following words :

To the Honorable the General Assembly of the State of Tennessee.

GENTLEMEN,

On being apprised of your will, relative to the permanent appointment to the office which I now hold, I should have immediately resigned, had the gentleman elected been present, and prepared to enter on the duties of the office; but as this was not the case, on its being suggested to me that considerable inconvenience might result from the want of a full court, I determined to hold the office until the arrival of judge Powel, or the situation of the business of court would in my judgment permit me with propriety to resign. The jury having been discharged for the present term, the remaining business of court is of such a nature as in my opinion will require, that whenever a difference of opinion may exist, the decision should be postponed, until the opinion of judge Powel can be had. Should I continue to act, and should my opinions differ from those he may entertain on similar points, contradictory decisions would probably be the consequence, an evil of far greater magnitude than any delay that may possibly be occasioned. Under these impressions, I hereby resign the office of judge of the superior courts, &c. which I hold by virtue of an executive temporary appoint-

ment, that no difficulty may exist in Judge Powell's obtaining his commission in time to reach Carthage court.

I am gentlemen respectfully your most obdt.

THOMAS EMMERSON.

October 10th, 1807.

Mr. Perkins from the committee of propositions and grievances, presented the following reports, to wit :

That the memorial of William Goeke, praying that he may be permitted to establish a turnpike on a certain road, which he is to clear cut at his own expence across Clinch mountain.

Also, the petition of Harriet Walker, praying that she may be divorced from her husband James Walker.

Also, the memorial of Robert King, praying compensation for opening a road from Hamilton to Mero districts in 1788 ; are reasonable and ought to be granted.

NICHOLAS T. PERKINS, *Chairman.*

Which were read, concurred with, and sent to the house of representatives.

Mr. Russel from the committee to whom was referred the subject of Iron-works, made the following report, viz.

That the petition of sundry inhabitants of Greene county, together with sundry affidavits accompanying the same relative to Iron-works.

Also, the petition of James Cook of Blount county, relative to Iron-works ; are reasonable and ought to be granted, and that a law pass making provision for all similar cases.

J. RUSSELL, *Chairman.*

Which were read, concurred with, and sent to the house of representatives.

Mr. Douglass presented the petition of John Cocke and John F. Jack, relative to a warrant obtained from John Carter's office, &c. which was read, referred to the land committee, and sent to the house of representatives.

Received, a bill augmenting the sum and increasing the number and sufficiency of the securities of the treasurer of the districts of Washington and Hamilton, and the treasurer of the districts of Mero, Winchester & Robertson ; which was read the second time, passed, and sent to the house of representatives.

House adjourned until Monday ten o'clock.

MONDAY, October 12, 1807.

House met according to adjournment.

Mr. Russell offered the following resolution, which was adopted :

Resolved, that a joint committee be appointed to wait on his excellency the governor and inform him of the resignation of judge Emmerson, to the end that Samuel Powell, Esq. may be commissioned, and that Mr. Russell be a committee on the part of this house, to act with such gentlemen as the house of representatives may think proper to appoint, and that a message be sent to the house of representatives informing them thereof, which was done accordingly.

Received from the house of representatives, a bill making further provision for carrying into effect a contract between the state of Tennessee and Eli Whitney and Phipps Miller ; which was read the third time, passed and sent to the house of representatives.

Also, a bill to provide for the appointment of a public-printer ; which was read and ordered to lie on the table until to-morrow.

Also, a bill to repeal the second section of an act entitled "an act allowing and regulating certain officers fees in particular cases ; which was read the first time, passed, and sent to the house of representatives.

Also, a message concurring with a resolution of this house in appointing a committee to wait on his excellency the governor, and inform him of the resignation of Thomas Emmerson, Esq. as judge, to the end that Samuel Powell, Esq. be commissioned ; and stating that Messrs. Trimble and Dyer, are appointed on the part of the house of representatives, as a committee to act with the gentleman appointed by this house.

Also, a bill to authorise the inhabitants of Sequatchy-Valley, in the county of Roane, to hold separate musters ; which was read, and on motion of Mr. Preston, ordered to lie on the table.

Mr. Weakley moved for leave, and presented a bill making full and complete compensation to Maj. Robert King

for services rendered in viewing, laying out and marking a road from the lower settlements of Washington district to Nashville in Mero district; which was read the first time, passed, and sent to the house of representatives.

Received from the house of representatives, the resignation of John Williams, Esq. as attorney-general for the state; which was read, received and ordered to be entered on the journal—which is as follows:

KNOXVILLE, October 10th, 1807.

GENTLEMEN,

I hereby tender you my resignation of the office of attorney-general for the state of Tennessee, as some of you may perhaps be uninformed of the reasons which induced me to this measure, it may not be improper to state them. By continuing to hold the office of attorney-general, I shall be obliged to relinquish my practice in five county courts & in two Federal courts holden at this place, and be absent from home eight or nine months in each year, and in return for this, should not have my travelling expences paid by the salary at present annexed to the office. I regret very much that all of you were not informed previous to the election, of my determination not to continue in the office with its present salary; this circumstance was mentioned to several gentlemen of your body before the election took place. I will mention one other consideration which has weight with me, and it is this—I could never reconcile to myself to hold an office which had been holden upon a more respectable footing by any other person. I will with pleasure attend as I have done, to the business of the state during the present term of the superior court at Hamilton district, without producing any expence to the state. I have deemed it correct to make this communication at an early period, to the end that the legislature may procure some person to attend to the business of the state, at the ensuing superior court at Carthage.

Accept gentlemen,

Assurances of my high consideration for you,

JOHN WILLIAMS.

Also, the petition of sundry citizens of Cocke county relative to Jacob Boyces saw-mill on Clear creek; which

was read, referred to the committee of propositions and grievances as by the house of representatives.

Also, the petition of William Moore and Elizabeth I. Moore, praying to have an additional allowance for printing the laws and journals of the last session of the general assembly; which was read and referred to the committee of propositions and grievances.

Also, a list of the taxes collected by the register of Rutherford county, up to the 1st day of August 1807; which was read, and on motion ordered, that the representative of said county have leave to withdraw the same.

The speaker presented to the house the following message from his excellency:

The Honorable the Speaker, and Gentlemen of both Houses of the General Assembly.

I have the honor of laying before you, a report made by the commissioners of West-Tennessee, who were appointed to investigate the claims to lands. I would have communicated this report more early in your session, had I not expected a similar one from the board of East-Tennessee, and wishing to lay the whole before you at the same time.

I also lay before you, a letter from John Geo. Baxter, owner and proprietor of a spinning mill, a machine well worthy the consideration of the legislature.

JOHN SEVIER.

Which message was accompanied by a report of the board of commissioners from West-Tennessee—as follows:

To his Excellency John Sevier, governor of the State of Tennessee.

The commissioners of West-Tennessee beg leave to report,

That in compliance with the duties assigned us, we met at Nashville on the first Monday in December, proceeded to the appointment of a clerk, prepared an office, and made the necessary arrangements for the reception of claims.

That in conjunction with the commissioners of East-Tennessee, we employed the earliest means in our power to procure from North-Carolina, the transcripts taken by John Gerson, Esq. &c, from the records in the secretary's office, and on which we could not progress in the dis-

charge of the important trust committed to us ; and thro' owing to unavoidable delays, possession of these transcripts and documents was not obtained until some time in the month of April.

That the claims filed for adjudication within the time prescribed by law, were the following, to wit :

	Acres.
1449 military warrants, amounting to	860,031
251 John Armstrong warrants,	583,475
55 pre-emption and guard-rights,	27,100
51 warrants to Evan's battalion,	26,540

In amount, 1497,151

Together with a great number of grants for the purpose of obtaining certificates for losses by interferences and in consequence of the locality thereof not being ascertainable.

Of the military warrants presented for adjudication, about 327, amounting to 172,520 acres, are hitherto suspended without a decision. The claimants have no right to complain of this delay, for had we been compelled to decide, they must have been declared invalid. These seem to have really issued by the secretary of North Carolina but drawn by persons implicated in the frauds practised in that state ; and from the best information in our power we conceive the names of the warrantees fictitious ; the assignments of those warrants, the hand writing, &c. irresistably confirm a belief that the drawers are guilty of the frauds charged by the 8th, 9, 10, 11, 12 and 13th facts in the report of Messrs. Gaither, Grayham and Locke. In such cases, the law by which we were appointed, seem to require proof from the holder of such warrants, that they were originally founded on a *bona-fide* consideration, but this not being generally understood, it was discovered that none was ready with such proof, and that unless a further time was granted, the whole must be condemned, by which it was possible, that some innocent person might be injured, we were the more readily induced to suspend our decision for the present, as many of those warrants are now in the hands of innocent purchasers, ignorant of the mode in which the warrants were obtained. We did not however conceive this last circumstance would

ultimately avail them any thing, since the cession act, the state of North-Carolina has been authorised only, to issue warrants to certain persons previously entitled to lands by law. If the secretary of that state has since been induced to issue them to other persons, either fraudulently or by mistake, the purchaser of such warrant may have a right to complain, and petition the state of North-Carolina for redress, but this state we humbly conceive, cannot with justice to themselves or the United States, appropriate any part of the now vacant lands for that purpose; by so doing, they would undoubtedly do great injustice to the holders of *bona-fide* claims, many of whom, will find it difficult to procure lands to satisfy them.

These remarks are intended to explain the principles by which we have been governed, and which it seems that great industry has been used to misrepresent.

96 of the military warrants, amounting to 52,987 acres, a greater part of which being base counterfeits, and others having terminated in grants from the state of North-Carolina, have been adjudged invalid.

68 John Armstrong's warrants, amounting to 113,166 1-4 acres, are such as have been (prior to the 25th of February 1790,) actually located within the congressional reservation, and of course passed over without a decision.

17 others, amounting to 37,665 acres, have been declared invalid.

Of the pre-emption and guard-rights filed, 12, amounting to 5,395 acres, were adjudged invalid.

All the others, to wit :

	Acres.
1026 military warrants, amounting to	634,424.
176 J. Armstrong warrants, amounting to	432,641 1-2.
43 pre-emption and guard-rights,	21,710.
51 warrants to Evan's battalion,	25,540.

Amounting to 1114,315 1-2

Were adjudged as valid claims against the state, and duplicates have issued accordingly.

That under the sections which provides for losses by interference and on account of the locality not being ascertainable, 202 warrants, issued by the secretary of this state,

amounting to 17,989 1-2 acres, have been adjudged valid, and duplicates issued to the persons entitled. Also, 334 certificate from grants have been issued, amounting to 251,509 1-2 acres; which quantities, to wit: 17,589 1-2 and 251,509 1-2 added to 1,114,315 1-2 acres, the old claims remaining unsatisfied, make an aggregate against the state of 1,363,614 1-2 acres. That many, and to a very considerable amount of warrants, issued by the secretary of this state, together with the grants from which they emanated, were presented for adjudication, in support of which, neither surveys, connected plats or any other evidence, were filed upon this description of claims.

The commissioners have also for the present, declined a decision contrary to the wishes of many of the claimants who are assignees of the persons to whom these warrants issued, and who preferred a condemnation of the claim, & to secure an opportunity of resorting to the warrantee for redress to any other prospects afforded them under the law; although it would seem that the original vendors and not the vendees, should incur the expence of producing proof and supporting those claims, yet there is some in a contrary position. It may be time enough for the vendor when he is taken into a court of justice by the vendee, to show that the warrant issued to him properly, and without fraud; nor is it sufficiently clear from the words of the law that it is incumbent on any other than the claimant or assignee to furnish the necessary proof. The want of proof either to sustain or condemn, together with the doubts before stated, have induced us to pass over those claims without a decision, thereby giving an opportunity of providing for their passage or rejection, in such way as the legislature in its wisdom shall think fit.

The file of 74 military warrants, amounting to 44,484 acres, deposited in the secretary's office of North Carolina, marked No. 29, and provided for by section 28, has also undergone an examination; they are found to be genuine claims, and agreeing with the copies of plats and certificates of surveys taken from said file by the agent to that state, with the following exceptions, to wit: No. 404, 1060 and 1556, for 640 acres each. In the plats and certificates of survey, when a copy taken from the secreta-

ry's warrant book, shews them to have been for only, warrant No. 404, 371 acres; No. 1039 and 1536 for 274 acres each: This variance it is presumed, will require legislative interference, before the register can issue grants to the owners.

The commissioners further state to your excellency, that from the disappointment experienced in not receiving the documents from North-Carolina until a considerable portion of the time allowed for the examination, had elapsed. The multiplicity of claims to be arranged, examined, recorded, &c. and the slowness of the time for performing all the duties required by the law, it was found impracticable with the aid of one clerk only, to prosecute their investigation to the full extent contemplated by law, the commissioners therefore prompted by a desire to place the honest claimants on a level, by having all their claims acted on before the opening of the offices, and viewing it as an ultimate saving to the state, authorised their clerk to employ an assistant, in full confidence that the legislature will make him adequate compensation therefor. They have also pledged themselves to pay with the clerk, equal proportions of the costs of record books, stationery, tables, chairs and other conveniences. In case the legislature shall refuse an appropriation, the clerk has been directed to forward an accurate settlement of the foregoing expenses, together with the vouchers.

These the commissioners think certain an enumeration of the points most necessary to be stated to your excellency, and which no doubt will receive that consideration and attention their value and importance require.

We are your excellency's most obdt.

WILLIAM MARTIN,

D. M'GAVOCK,

GEN. WINCHESTER, *absent.*

On motion ordered, that part of a message relative to a spinning mill, &c. be referred to a joint committee, and Mr. Wilkinson be appointed on the part of this house, and that a message be sent to the house of representatives informing them thereof, which was done accordingly.

Received from the house of representatives a petition of the citizens of Nashville, relative to the public jail in

and which was read and referred to the committee on propositions and grievances.

Also, a message proposing the postponement of the election for treasurers of this state until Thursday next at 12 o'clock; which was concurred with, and a message sent informing that house thereof.

Also, a message concurring with this house in appointing a committee to receive the revisal of the laws made by Moses Fisk, Esq. and informing this house that Messrs. Black, Cocke, Dardis and Blount, were a committee on the part of that house, to act with the gentlemen by this house proposed.

Also, a message accompanied by a resolution, that ten copies of the report of the committee of finance, on the settlement with the treasurer of Mero district, and the treasurer of the districts of Washington and Hamilton, be printed for each member, for the purpose of being distributed among the people, to the end that they may have a general knowledge of their fiscal concerns; which was non-concurred with, and a message sent informing that house thereof.

The house adjourned until three o'clock.

Met according to adjournment.

A message, with the following resolution, was sent to the house of representatives:

This house have received the inclosed message from the governor, and have referred, that part of said communication which relates to the spinning machine and the letter of John Geo. Baxter to a select committee to examine said letter and make report thereof, and have appointed Mr. Wilkinson, as a committee to act with such gentlemen as you may appoint; and have referred that part of said communication which relates to the report of the commissioners and the report itself, to the committee who have under consideration, the late land law, to which we ask your concurrence.

Received from the house of representatives, a bill to provide for the trial of a certain suit therein mentioned read the first time, passed and sent back to the house of representatives.

Mr. Cocke from the select committee to whom was

referred the examination of the situation of the suit now pending in the superior court of Hamilton district, in the name of the governor against the late treasurer of Mero district, report, That they have examined the state of the suit aforesaid, and find that it remains open on the docket; and that no rule has as yet been taken upon it at this term of the court; the committee further report, that they can not come to any adjustment with the defendant respecting said suit, and have therefore employed Pleasant M. Miller, to prosecute said suit on behalf of the governor, at the sum of fifty dollars; which report is submitted to the legislature.

Mr. Weakley presented the following reports of the committee of finance, which was read, concurred with, and ordered to be entered on the journal— which report is as follows :

The committee of finance upon settling the accounts of Thomas Crutcher, Esquire, treasurer of Mero district, respectfully report,

That on examination of the journal of the legislature of 1805, we find him chargeable with the balance of revenue then due, to the amount of two thousand one hundred and eighty one dollars and sixty-five cents, on which sum he had received his commission.

We also find him chargeable with the sum of nineteen thousand one hundred and thirty three dollars, twenty-four cents and four mills, being the amount of revenue in said district for the years 1805 and 1806, and that the said treasurer has produced warrants, drafts, &c. chargeable on the public taxes, to the amount of twelve thousand nine hundred and fifty two dollars thirty two cents and five mills, for which sum he is entitled to a credit.

Also, that he is entitled to a credit of three-per cent. on the whole amount of revenue of said district for the years 1805 and 1806, after deducting the clerks, sheriffs and registers per cent. for collections, amounting to nine hundred and fifty nine dollars ten cents and six mills.

Likewise, a credit for the clerks, sheriffs and registers commission on the whole amount of money by them collected for the years 1805 and 1806.

The committee farther report, that on examination of

the settlement made with the treasurer aforesaid in the year 1805, that there appeared to be no return from the register of Robertson county for the taxes by him collected as register aforesaid, for the years 1803 and 1804, and that the said treasurer could not be chargeable with the same, but it appears that from the return now made, the register was chargeable with the sum of ten dollars and fifteen cents, exclusive of all commissions, which sum the said treasurer has paid over to the treasurer of Washington and Hamilton districts, and with which sum the treasurer of Washington and Hamilton districts is charged, as will appear by the settlement of his accounts.

To the balance due from the treasurer of	D.	C.	K.
this last settlement with the general assembly,	2181	65	

To the amount of public revenue of Mc-			
ro district, for the years 1805 and 1806, for			
which the treasurer is chargeable,	19133	24	4

By amount of warrants, drafts, &c. and			
produced by said treasurer, for which he is			
entitled to a credit,	12952	32	5

By amount of clerks and registers com-			
missions on 5396 dolls. 31 cts. 5 mills, at			
2 1-2 per cent.	134	92	

By amount of sheriffs commissions on the			
sum of 13736 dollars 42 cents 9 mills, at 6			
per cent.	824	18	6

By amount of treasurer's commission on			
19133 dolls. 24 cts. 4 mills, after deducting			
959 dolls. 10 cts. 6 mills, for sheriffs, clerks			
and registering commissions, at 3 per cent.	545	22	2

By two hundred and sixty dollars allowed			
to him by an act of assembly, passed the 24th			
day of October 1805, for money by him ad-			
vanced to his excellency the governor and			
general James Robertson, to pay their ne-			
cessary expences while attending a treaty			
held with the Cherokee Indians, agreeably			
to a resolution of the general assembly,	260	00	

By fifty dollars allowed him by the third			
section of an act of the general assembly,			
passed the 4th day of November 1805,	50	00	

By amount allowed treasurer for stationary,

20 00

By a receipt from the treasurer of Washington and Hamilton districts,

£528 24 1

\$21314 89 4

R. WEAKLEY, *Chairman.*

The committee of finance upon settling the accounts of Thomas M'Corry, Esquire, treasurer of Washington and Hamilton districts beg leave to report,

That they find him chargeable with fifteen thousand two hundred and seventy-nine dollars and thirty five cents, it being the amount of revenue collected by him for the years one thousand eight hundred and five and one thousand eight hundred and six.

Also, with the sum of five hundred and fifty six dollars and thirty six cents, money collected from the collectors of revenue for Blount and Carter counties, for the year one thousand eight hundred and four, as appears from the journal of eighteen hundred and five.

Also, with the sum of three hundred and eighteen dollars and ninety three cents, money collected from Richard Mitchell clerk of Hawkins county, for the year one thousand eight hundred and four, as appears from the journal of the legislature in eighteen hundred and five.

Also, with the sum of thirty three dollars sixty nine cents, money received from John Maclin, which was reported against him, as appears from the journal aforesaid.

Also, with the sum of eight hundred and fifty dollars, reported at the last settlement, to be in the treasury.

Also, with the sum of six thousand five hundred and twenty eight dollars and twenty four cents, received from the treasurer of Mero district.

And also, with the further sum of ten dollars, and fifteen cents, received of the treasurer of Mero district, as above.

And that the treasurer has produced warrants, drafts, &c. chargeable on the public taxes, to the amount of fourteen thousand eight hundred and thirty five dollars and five cents, for which sum he is entitled to a credit.

Also, that he is entitled to a credit of three per cent, on

the sum of fifteen thousand four hundred and forty nine dollars fifty seven and one half cents, it being the amount of revenue by him collected for said districts, for the years one thousand eight hundred and five and one thousand eight hundred and six, after deducting sheriffs, clerks and registers commissions.

Also, a credit of twenty five dollars, allowed the treasurer for stationary.

And also, a credit for eight thousand two hundred and fifty three dollars nineteen and one half cents, the sum reported to be in the treasury with which he is chargeable; and on which he is entitled to no commission.

Thomas M'Corry, Esq. treasury &c. in account with the state of Tennessee,

Dr.
D. C.

To the amount of public revenue collected for the years 1805 and 1806, and paid into the treasurers,

15279 35

To the amount collected of the collectors of Blount and Carter counties, for the year 1804.

556 36

To amount collected from Richard Mitchell, clerk of Hawkins, for the year 1804.

318 93

To money received of John Maclin, which was reputed against him as appears by the journal of 1805.

37 69

To amount reputed to be in the treasury at the last settlement,

850 00

To amount received of the treasurer of Mero district,

6528 24

To amount received as above,

10 15

23576 72

Cr.

By amount of warrants, drafts, &c. chargeable on the public taxes, taken up,

D. C.

14835 05

By amount of treasurers commission on 15,440 dolls. 57 cts. it being the amount of revenue collected, after deducting sheriffs, clerks and registers commissions,

463 48

By amount of stationary allowed the treasurer,

25 03

By amount of specie reported to lie in the treasurys, for which the treasurer is chargeable, on which he is entitled to no commission, 8253 10

23576 72

The committee also report, that the clerk of Hawkins county, has failed to this legislature, or to the treasurer, an account of the taxes collected by him, and due to the state for the years 1805 and 1806.

That the clerks of Washington and Anderson counties, have failed to return to the legislature or to the treasurer, an account of the taxes collected by them, and due from them to the state for the years 1805 and 1806.

That the clerk of Washington county has paid to the treasurer, the sum of 100 dollars, and the clerk of Anderson county, 137 dollars, part of the taxes by them collected for said years; which sums are included in the amount charged to the treasurer as above stated.

The committee further report, that the treasurer is charged in the above account with the sum of five hundred and sixteen dollars, sixty one and one fourth cents, the amount chargeable to the collector of Greene county, for the year 1806, on the settlement of the treasurer that said collector had not paid the same or accounted to him for the same, but that he believed said collector had taken up vouchers, which he has failed to return, nearly to that amount, which vouchers to that amount or money to that amount said treasurer has a right to receive from said collector.

The committee further report, that upon examining the journals of the last stated session of general assembly, and the settlement of the committee of finance made with Thomas M'Corry, treasurer, together with the different sums chargeable to the treasurer for the years 1803 and 1804, they find that an error has been made by the language of said report, by stating the amount of revenue for Washington and Hamilton districts for said years to be 1-032 dollars, 46 1-2 cents, whereas in fact said sum of 14032 dollars 46 1-2 cents, is the whole amount of money chargeable to said treasurer on said settlement, including the sum of 1250 dollars, money remaining in the treasury or

a settlement with John Maclin, former treasurer, and received by Thomas M'Corry on his coming into office or treasurer aforesaid.

The committee further report, that a judgment has been obtained against the administrator of Alexander Nelson, late collector of Hawkins county and his securities, in the name of the governor, for the sum of 418 dollars and 72 cents, the amount of tax due from said collector for the year 1806, which money is due to the state.

R. WEAKLEY, *Chairman.*

House adjourned until to-morrow nine o'clock.

TUESDAY, October 13th, 1807.

The house met according to adjournment.

Mr. White moved for leave and introduced a bill for the relief of certain persons claiming military lands; which was read the first time, passed and sent to the house of representatives.

Mr. Russell from the committee appointed to wait on his excellency the governor and inform him of the resignation of judge Emmerson, reported that he had done it accordingly.

Received from the house of representatives, a bill to authorise a separate election in the county of Stuart; which was read the first time, passed and sent back to the house of representatives.

Also, a bill to establish a college in East-Tennessee; which was read the third time, and on motion of Mr. Russell, withdrawn for amendment.

Also, a bill for the relief of Harriet Walker; read the first time, passed and sent to the house of representatives.

Also, a bill augmenting the sum and increasing the number and sufficiency of the securities of the treasurer of the districts of Washington and Hamilton, and the treasurer of the districts of Micro, Robertson & Winchester; which was read the third time, and ordered to lie on the table.

Also, a bill providing for a separate election at the town of Paducah, in the county of Montgomery; which was read the first time, passed and sent to the house of representatives.

The house adjourned until 3 o'clock.

House met according to adjournment.

Received from the house of representatives, a bill to provide for the trial of a certain suit therein mentioned ; which was read the second time, passed and sent to the house of representatives.

Also, a bill to authorise the appointment of two attorneys general for the state, and to ascertain their salaries ; which was read the second time, amended, passed and sent to the house of representatives.

Mr. Tipton presented the petition of James Cozby and Samuel Givens, relative to a grant which they procured from the state of North-Carolina ; which was read, referred to the land committee, and sent to the house of representatives.

Received from the house of representatives, a bill to repeal the second section of an act entitled " an act allowing and regulating certain officers fees in particular cases," which was read, and on motion of Mr. Russell, laid on the table until the next general assembly.

Also, a bill making farther and complete compensation to Maj. Robert King, for services rendered in viewing, laying out and making a road from the lower settlements of Washington district, to Nashville in Mero district ; which was read, and on motion of Mr. Wilkinson, ordered, that it be referred to a committee consisting of messrs. Wilkinson, Weakley and Russell.

On motion of Mr. Humphreys, a bill augmenting the sum and increasing the number and sufficiency of the securities of the treasurer of the districts of Washington & Hamilton, and the treasurer of the districts of Mero Winchester and Robertson, was taken up, read the second time, amended, passed and sent to the house of representatives.

Received from the house of representatives, the petition of Stephen Copeland, on behalf of Daniel M'Daniel, praying to be compensated for services by him rendered by carrying an Indian person to Carthage jail ; which was read and referred to the committee of claims.

Received from the house of representatives of a number of the inhabitants of Nashville establishment of billiard tables.

Also, a petition of Abner Hardy relative to registers and rangers offices ; which were read and referred to the committee of propositions and grievances.

Also, a message concurring with this house in referring that part of the governor's communication which relates to the spinning machine and the letter of John Geo. Baxter, to a select committee to examine said letter and make report thereof, and informing the house that they have appointed messrs. Blount and Lillard, as a committee to act with the gentlemen by this house appointed ; and concurring with this house in referring that part of his excellency's communication which respects the commissioners of West-Tennessee and their report, to the committee who have under consideration the late land law of this state.

Also, the petition of sundry of the citizens of Nashville, relative to forming themselves into a distinct company, under the name of the ' Nashville Republican Blues,' &c. which was read, referred to the committee who have under consideration the militia laws of this state.

The house adjourned until to-morrow nine o'clock.

WEDNESDAY, October 14th, 1807.

The house met according to adjournment.

On motion of Mr. Weakley, the following resolution was adopted, and a message sent to the house of representatives informing thereof :

Resolved, that the board of commissioners for East-Tennessee, or in their absence the register, be requested to lay before the general assembly all books and vouchers of evidence respecting the land claims of this state, which are now in his or their possession.

A message was received from the house of representatives concurring with the above named resolution.

A bill to provide for the appointment of a public-printer, was taken up, read the second time, amended, and on motion of Mr. Humphreys, ordered to lie on the table until the committee appointed to contract for the public printing make their report.

Mr. Walton moved for leave and introduced a bill for the regulation of the town of Carleage ; which was

read the first time, passed and sent to the house of representatives.

Mr. Russell moved for leave and introduced a bill to divorce Rebecca Thornburg from her husband Isaac Thornburgh ; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a report of Edward Scott, register of East-Tennessee, in conformity to a resolution of the general assembly ; which was read and referred to the land committee.

Also, a report of the surveyor of the third district ; which was read and also referred to the land committee.

Also, a petition of sundry of the citizens of Anderson county, relative to the limits of said county.

Also, the petition of Jesse England, praying to be divorced from his wife Marilda England.

Also, the petition of James King of Knox county, praying to be released from the payment of a forfeited recognizance ; which were read and referred to the committee of propositions and grievances.

Also, the petition of Daniel Rather, relative to expenses by him incurred in removing Charles Ellis and John Coulter from the county of Roane to the district jail in Jonesborough ; which was read and referred to the committee of claims.

Also, a bill for the relief of Harriet Walker ; which was read the second time, passed and sent to the house of representatives.

Also, a message stating that they had taken up for the third and last reading, a bill augmenting the sum and increasing the number and sufficiency of the securities of the treasurers, &c. and propose amending the same, by striking out the second section, being that section which authorises a judge out of court to receive security from the treasurer of Mero district ; and stating, that if this house agrees to the amendment, two of its members must be sent to see it made. Which message was read, and on motion of Mr. Humphreys, ordered to lie on the table for farther consideration.

Mr. Tipton moved for leave of absence until Friday next, which was granted him.

Mr. White presented the petition of Taylor, Townsend, relative to the late land law and the proceedings of the commissioners of West-Tennessee ; which was read, referred to the land committee, and sent to the house of representatives.

Received a message from the house of representatives, informing this house that they had added Messrs. Haynes and Mitchell, to the committee who have under consideration the inspection of cotton ; which was concurred with by this house, and a message sent informing them thereof.

Also, a report of William Christmas, surveyor of military lands ; which was read and referred to the land committee.

Also, the petition of Samuel Wilson, praying to be restored to the privileges of a free citizen ; which was read & referred to the committee of propositions & grievances.

Also, a bill to authorise the appointment of two attorneys general for the state and to ascertain their salaries ; which was read and ordered to lie on the table for farther consideration.

The message of the house of representatives, stating that they had taken up for the third and last reading, a bill augmenting the sum and increasing the number and the sufficiency of the securities of the treasurers, &c. and which on motion of Mrs. Humphreys, was ordered to lie on the table for farther consideration, was taken up, and the following message sent to the house of representatives relative to said bill :

Mr. Speaker, and

Gentlemen of the House of Representatives,

The senate, to the amendment by you proposed to a bill augmenting the sum and increasing the number and sufficiency of the securities of the treasurers, &c. concur with you, so far as respects authorising a judge out of court to receive security from the treasurer of Mero district, but do not agree to striking out any other part of said bill.

Received from the house of representatives, a bill to provide for the trial of a certain suit therein mentioned ; which was read. Mr. Weakley offered sundry amendments thereto, which were received, and upon the for-

ing message was sent to the house of representatives, wit : The senate have taken up for the third and last reading, a bill to provide for the trial of a certain suit herein mentioned ; and propose amending the same by adding the words ' and for other purposes,' immediately after the word ' mentioned,' in the caption of said bill ; also, by inserting the words ' or any cause the said court may think proper to take up,' after the word ' cause,' in the preamble of the fourth section in said bill ; and also, by inserting the words ' or causes,' immediately after the word ' cause,' in the fourth section thereof. If you agree to those amendments, please send two of your body to see them made.

Received from the house of representatives a message, non-concurring with the above mentioned amendments ; when said bill was again read, and on motion of Mr. Humphreys to amend the same, by striking out all of said bill, except the words ' a bill,' for the purpose of inserting the following in lieu thereof : " To extend the present term of the superior court of law and equity for the district of Hamilton.

"Sec. 1. Be it enacted by the general assembly of the state of Tennessee, That the present term of the superior court of law and equity for the district of Hamilton, shall continue and be held by the judges or one judge thereof, for the term of eighteen juridical days from the commencement thereof ; that said judges or judge shall have full power and authority to take up and try any suit or suits, either at law or equity, they may think proper, consistent with the principles of law ; and they may also, if necessary, cause a jury or juries to be summoned instant, and the verdict or verdicts of said jury, and all proceedings of said court, shall, and are hereby declared to be as good and valid, as if the same had been done at any time during the term of said court, as the same was heretofore established by law.

"Sec. 2. Be it enacted, That this act shall be in force from the passage thereof.

Which was read and received. Whereupon on motion of Mr. Humphreys, ordered, that a message be sent to the house of representatives to inform them thereof ; and that

if they agree to said amendment, to send two of their body to the same made; which was sent accordingly.

Received a message from the house of representatives, non-concurring with the amendment as proposed, to the aforesaid bill.

On motion of Mr. Humphreys, that the senate insist on the amendment to said bill, it was ordered that the following message be sent to the house of representatives:

Mr. Speaker, and

Gentlemen of the House of Representatives,

The senate still insist on the amendment by them last proposed to a bill to provide for the trial of a certain suit therein mentioned.

Received a message non-concurring with the amendment last proposed to the aforesaid bill.

The house adjourned until 3 o'clock P. M.

The House met according to adjournment.

On motion of Mr. White that this house should recede from the amendment by them proposed, to which the house of representatives had taken exceptions; and on the question being put, that this house recede from the amendment aforesaid, it passed in the affirmative. Whereupon said bill was read the third and last time, passed, and ordered to be enrolled.

Mr. Russell presented a petition of a number of the citizens of Greene county, relative to the erection of a ware-house on Nolichucky river; which was read and referred to the committee of propositions and grievances, and sent to the house of representatives.

Mr. Douglass presented the petition of John N. Gamble, praying to be compensated for making marginal notes to the acts of the last general assembly, &c. which was read and referred to the committee of claims and sent to the house of representatives.

The report of the committee to whom was referred the examination of the situation of the suit now pending in the superior court of Hamilton district, in the name of the governor against the late treasurer of Moro district; was taken up, concurred with, and a message sent informing the house of representatives thereof.

House adjourned until to-morrow nine o'clock.

THURSDAY, October 15th, 1807.

House met according to Adjournment.

Mr. Douglass presented sundry resolutions adopted by a number of the citizens of Sumner county, relative to the land law, the inspection of cotton, &c. which was read and referred to the committees who have those subjects under consideration & sent to the house of representatives.

Received from the house of representatives, a petition of Sampson Eldridge, praying to be divorced from the bonds of matrimony with Planky Eldridge his wife; which was read and referred to the committee of propositions and grievances.

Mr. Douglass presented the petition of Redman D. Barry, together with vouchers accompanying the same, relative to sundry military land warrants; which was read, referred to the same committee and sent to the house of representatives.

On motion of Mr. Russell, a bill to provide for the trial of a certain suit therein mentioned, which had been read the third and last time, passed and ordered to be enrolled, was taken up to be reconsidered; and on motion of Mr. Douglass, rejected.

Received from the house of representatives, a message non-concurring with a message of this house, respecting the amendment proposed by this house to the bill augmenting the sum and increasing the securities of the treasurers, &c. but proposing, that the section herewith sent, be adopted as the second section, in lieu of the second in said bill, which the house of representatives propose striking out; and asking the concurrence of this house, and if agreed to, to send two of its members to see the amendment made—which section is as follows:

Sec. 2. Be it enacted, That if the treasurer elected for the districts of Mero, Winchester and Robertson, shall at the time required by law for him to give security, fail or refuse to give such security as shall be adjudged sufficient by the judges of the superior court, when authorised to take such security, it shall be the duty of said judges to certify said fact to the governor for the time being, under their hands; and it shall thereupon be the duty of the go-

vernor, to proceed to appoint some other fit and proper person to fill such vacancy, who shall give bond and security in the same manner as is provided by law, for the treasurers of the districts of Mero, Winchester and Robertson; Which was non-concurred with, and a message sent informing them thereof, but proposing in lieu thereof, to make the following amendments to said section, to wit: That instead of the words "be the duty of," in the seventh and eighth lines in said section, the words "shall be lawful," be inserted; and instead of the word "law," in the fourteenth line of said section, the words "this act," inserted.

Received from the house of representatives the following message:

This house concurs with you relative to the several amendments by you proposed to the bill augmenting the sum and increasing the number and sufficiency of the securities of the treasurers, &c. and requesting that you should send two of your body to see them made.

A message was sent to the house of representative, stating to that house that Messrs. Russell and Weakly, were appointed on the part of this house to see the amendments made to the above named bill.

Received a message from the house of representatives, proposing to postpone the election for treasurer until Monday next, as the law under which they must give security has not yet passed; which was concurred with, and a message sent informing them thereof.

Mr. White presented the petition of Luke Lea, praying to be remunerated for money by him laid out for stationery, &c. which was read, referred to the committee of claims and sent to the house of representatives.

Received a resolution from the house of representatives as follows:

Whereas it is contrary to the genius of a free government to suffer its citizens to be enslaved by any prince or potentate whatever; and if any of its citizens are thus kept in bondage, it is the duty of the government to interfere in their behalf, and procure their releasement; and whereas this general assembly have satisfactory information, that Thomas House, of Jefferson county, and Ellis

Bean, of Grainger county, two of the citizens of this state, together with other citizens of the United States, companions of the unfortunate Philip Nolan, were made prisoners of by the subjects of the king of Spain, in the month of March, 1801, and are still under confinement, contrary to every principle of humanity and justice. Wherefore, to procure their liberation, resolved, that the senators from this state, in the congress of the United States, be directed; and the representatives in congress, be requested, to use their utmost endeavors to procure the release and discharge of the said Thomas House and Ellis Bean, in particular; and also, the other citizens of the United States, confined with them, in the shortest way practicable.

Which resolution, on motion of Mr. Humphreys, was laid on the table until to-morrow.

Received also, a petition of the surveyors of the 2d, 3, 4, 5, and 6th districts, praying to be allowed for drawing maps of the said districts; which was read and referred to the committee of claims.

Also, the petition of James Wood and Ann Wood his wife, praying to be divorced; which was read, and on motion of Mr. White, the petitioners has leave to withdraw said petition.

Also, a bill for the regulation of the town of Carthage; which was read the second time, passed and sent to the house of representatives.

Also, a bill to divorce Rebecca Thornburgh from her husband Isaac Thornburgh; which was read, and on motion of Mr. Russell; ordered to lie on the table.

Mr. Weakley presented the petition of the citizens of the town of Jefferson, praying that the sheriff be directed to hold an election in said town, for the purpose of electing five commissioners for said town; which was read and referred to the committee of propositions and grievances and sent to the house of representatives.

The house adjourned until three o'clock.

The house met according to adjournment.

Mr. Perkins presented the petition of William Christmas, relative to a certain military warrant, &c. which was

read, referred to the land committee and sent to the house of representatives.

Mr. Weakly from the committee to whom was referred a bill making full and complete compensation to maj. Robert King for services by him rendered in viewing, laying out and marking a road from the lower settlements of Washington district to Nashville in Merri district; reported the same without any amendment; which was then read the second time, amended, passed, and sent to the house of representatives.

Mr. Doherty moved for leave, and introduced a bill to authorise William Cocks to open a road from his Iron-works on Poor-Valley creek in Hawkins county, to the house where William Henderson formerly lived near Clinch river; which was read the first time, passed and sent to the house of representatives.

Mr. Russell who withdrew for amendment, a bill to establish a college in East-Tennessee, returned the same with several proposed amendments, which were read and not adopted.

Mr. Wilkinson proposed the following amendment to said bill, to-wit: That in lieu of the word "thirty," in the first section of said bill, the words "twenty-eight persons to be appointed amongst the several counties or senatorial districts in East-Tennessee, according to the representation in the legislature," be inserted; which was read and objected to; and on the question being put, whether the word "thirty" be stricken out, and the amendment by Mr. Wilkinson proposed, be inserted, Mr. Russell moved for the yeas and nays to be taken, which were as follows:

Yeas—messrs. Williamson and Russell. 2.

Nays—messrs. Preston, Weakly, Lea, Doherty, Whitton, White, Humphreys, Douglass and Perkins, 9. The motion was lost.

Mr. Russell proposed sundry other amendments to said bill, which were not adopted.

A bill to establish a college in East-Tennessee, was taken up the third and last time, passed and ordered to be enrolled.

The house adjourned until to-morrow 9 o'clock.

FRIDAY, October 16th, 1807.

The house met according to adjournment.

A message was sent to the house of representatives, informing them that Mr. White's name was stricken out from the committee of claims, and Mr. Walton's inserted in lieu thereof. Received a message from the house of representatives, concurring therewith.

Received from the house of representatives, a bill to appoint commissioners, and to vest them with power to sell the public lot and jail in front of the court-house in the town of Rogersville; which was read the first time, passed and sent to the house of representatives.

Mr. White from the committee of enrolments, reported that, an act augmenting the sum and increasing the number and sufficiency of the securities of the treasurer of the districts of Washington and Hamilton, and the treasurer of the districts of Mero, Winchester and Robertson; was correctly engrossed, which was signed by the speaker, and sent to the house of representatives.

Received from the house of representatives, a list of public books in the secretary's office, which are as follow, to wit :

5 copies of the acts, passed at the first session of the third general assembly of the state of Tennessee, 1799.

18 copies of the acts, passed, relative to lands and intestate estates, extracted from the North-Carolina revised code in the year 1800.

1 copy of the acts, passed at the second session of the fifth general assembly of the state of Tennessee.

163 copies of the acts of congress, passed at the first session of the eighth congress, dated 1803 and 1804.

1 copy of the acts of congress, passed at a session of congress, in the year 1802.

5 copies of the acts, passed at the second session of the sixth general assembly of the state of Tennessee, 1800.

1 copy of the acts of North-Carolina, unbound, passed in the year 1802.

2 Volumes, the laws of Maryland, well bound, printed in the years 1799 and 1800.

1 copy of the journals of the senate of the United States, second session of the fifth congress.

1 do. of the journals of the senate of the United States second session of the ninth congress.

2 journals of the proceedings of the house of representatives of the territory of the United States south of the river Ohio, 1795.

1 journal of the proceedings of a convention, began and held at Knoxville on the 11th day of January, 1796.

1 journal of the senate of the state of Tennessee, in the year 1796.

1 do. 1798. 2 do. representatives, 1799. 2 do. senate; 2 do. representatives, 1801. 16 do. senate; 16 do. representatives, 1806.

R. HOUSTON.

Also, the petition of a number of the inhabitants of Wilson county, praying to have separate musters and elections in the upper end of said county; which was read & referred to the committee of propositions & grievances.

Also, the petition of Thomas Logan, praying to have privilege to enter fifty acres of land; &c. which was read and referred to the land committee.

Also, the petition of John M'Clelland, relative to furnishing Joseph Dorris with a certain sum of money to enable him to fulfill his contract with the commissioners appointed to let the cutting of the main road from Hamilton to Mero district; which was read and referred to the committee of claims.

Also, a bill for the relief of Harriot Walker; which was read the third and last time, passed and sent to the house of

Also, a bill for the regulation of the town of Carthage, which was read the third time, passed and ordered to be enrolled.

On motion of Mr. White, ordered that the following be adopted as an additional rule for the government of the house.:

Rule 16th. No member shall have leave to withdraw bill, unless he at the time of making such motion, will state the nature of the amendment he intends making.

Received from the house of representatives, a bill to authorise a separate election in the county of Stuart; which was read the second time, passed and sent to the house of representatives.

Also, a bill providing for a separate election to be held at the town of Palmyra, in the county of Montgomery; which was read the second time, amended, passed and sent to the house of representatives.

House adjourned until 3 o'clock.

House met according to adjournment.

Also, a bill to authorise William Cocke, to open a road from his iron works, on Poor Valley creek, in Hawkins county, to the house where William Henderson formerly lived, near Clinch river; which was read the second time, amended, passed and sent to the house of representatives.

Mr. Weakley presented sundry petitions of William Tyrrell Lewis, relative to sundry land warrants and entries, &c. which were read, referred, together with sundry vouchers accompanying the same, to the land committee and sent to the house of representatives.

Mr. Doherty requested leave of absence until Monday next which was granted him.

Mr. Humphreys presented, a bill to amend an act entitled "an act to establish academies in the several counties in this state, and for the appointment of trustees thereof;" which was read the first time, passed and sent to the house of representatives.

On motion of Mr. Wilkenson the following resolution was adopted, to wit:

Resolved, that the clerks of this house be authorised to procure from the secretary of state, or otherwise, as far as practicable, one copy of each of the following books, to wit: Rowston's edition, and the several subsequent acts of the general assembly of this state; also, Fredell's revision, and the several journals of the legislature; which books shall be deposited in the senate chamber, for the use of the senate, and that no member or other person be permitted to take any of said books out of said chamber without leave of the house.

The house adjourned until to-morrow 9 o'clock.

SATURDAY, October 17, 1807.

The house met according to adjournment.

Received from the house of representatives a message,

informing this house, that they had stricken out the name of messrs. Hill, Young and Bradley, from the committee of propositions and grievances, and had inserted the name of messrs. Cocke, Edwards and Dyer, in lieu thereof and asking the concurrence of this house.

Also, the petition of Nancy R. Gardenhier, for a divorce from her husband George Gardenhier; which was read and referred to the committee of propositions and grievances.

Also, Received a message informing this house that they had taken up for the third and last reading, the bill making further provision to carry into effect a contract between the state of Tennessee and Eli Whitney and Pli neas Miller, and proposing amending the same in the first section after the words "That every holder or possessor of a gin," by adding the words, "which was erected on or before the first day of January in each and every year," so that the section will then read thus: "That every holder or possessor of a gin which was erected on or before the first day of January in each and every year, used in cleaning cotton in any county in this state, &c. and if these amendments be agreed to by this house, two of its members are requested to see it made; which message on motion of Mr. White, was laid on the table for farther consideration.

The following resolution was adopted by this house, to wit:

Resolved, that the election of a treasurer for the districts of Washington and Hamilton, and the election of a treasurer for the districts of Mero, Winchester and Robertson, be postponed until Tuesday the 27th instant, at 12 o'clock. A message was sent to the house of representatives informing them thereof.

Received from the house of representatives, a list of the taxable property of Washington county, for the years 1806 and 1807; on motion of Mr. Weakley, ordered, that the person presenting said lists have leave to withdraw the same.

Mr. Wilkinson introduced a bill to compell absconding

process in certain cases; read the first time, passed and sent to the house of representatives.

Mr. Wilkinson presented the petition of Moses Fisk, relative to a military land warrant; read, referred to the committee and sent to the house of representatives.

Received from the house of representatives, a bill authorising a separate election in the county of Montgomery; which was read, and the following message, with the following proposed amendments, by Mr. Humphreys, was sent to the house of representatives,

This house have taken up the third and last time, a bill providing for a separate election to be held at the town of Palmyra in the county of Montgomery, and propose to amend the same by adding the following as a fourth section, to wit:

SEC. 4. Be it enacted, That the sheriff or his deputy or coroner (as the case may be) shall meet at Clarksville on Saturday following the election, and compare the votes, add the same together and ascertain the full amount thereof. If you agree to this proposed amendment, please send two of your body to see it made.

Received from the house of representatives, a bill to provide for a separate election in the county of Stuart; which was read, and the following amendments was proposed by Mr. Humphreys, to wit: by adding the words, "and electors to elect a President and Vice President of the United States of America, whenever said elections may be necessary or required by law", immediately, after the word "militia," in said bill so as to make it read, "and also for colonels and majors of militia, and electors to elect a President and vice-president of the United States of America;" and a message was sent informing the house of representatives thereof, and requesting them should they agree to said amendment, to send two of their body to see it made.

A bill to rectify a mistake in an act entitled "an act to establish a college in West-Tennessee," passed the 11th of September, 1806; which was withdrawn by Mr. Weakley for amendment, was by him returned amended, and amendments received; the same was withdrawn by Mr. Perkins for consideration.

The house adjourned until Monday ten o'clock.

MONDAY, October 19, 1807,

The house met according to adjournment.

Mr. Humphreys presented the petition of John Reed relative to sundry land claims ; which was read, referred to the land committee and sent to the house of representatives.

Mr. Perkins presented the petition of William M'Key relative to building a mill on Harpeth river ; which was read, referred to the committee of propositions and grievances and sent to the house of representatives.

A bill to rectify a mistake in an act entitled "an act to establish a college in West-Tennessee," which was withdrawn by Mr. Perkins for consideration, was by him returned ; which was read the second time, passed and sent to the house of representatives.

Received from the house of representatives, a message concurring with this house in the amendments by this house proposed to the bill to provide for a separate election in Stuart county ; and, also to the bill to provide for a separate election at the town of Palmyra in the county of Montgomery. Messrs. Blount and Black were sent by that house to see the same made ; which bills were then read the third and last time, amended, passed and ordered to be enrolled.

The house adjourned until 3 o'clock.

House met according to adjournment.

Received from the house of representatives, a memorial of Stephen Montgomery, relative to sundry military warrants ; which was read, referred to the land committee, and sent to the house of representatives.

Also, a bill to amend an act entitled "an act to establish academies in the several counties in this state, and for the appointment of trustees thereof ; which was read the second time, passed and sent to the house of representatives.

Mr. Douglass presented the memorial of William Dixon, John Overton, Jinken Whiteside, William P. Anderson and Moses Fisk, relative to land warrants issued by the secretary of this state ; which was read, referred to

the land committee & sent to the house of representatives. Mr. Weakly presented a memorial of a company of volunteers in Nashville and its vicinity, requesting an act to be passed recognising them as volunteer corps of cavalry in the militia of this state; which was read, referred to the committee who have the militia law under consideration.

Received from the house of representatives, a petition of the same citizens, the same subject of the petition last mentioned; which was read, and referred to the same committee.

Mr. Weakly presented a petition of Thomas Greene of Warrensburgh North-Carolina, relative to a certain land warrant issued from John Armstrong to col. Robert Irvine; which was read, referred to the committee who have under consideration the land law.

Also, the petition of Mennican Hunt, relative to entry made in John Armstrong's office.

Also, the petition of Stephen Sheppard, heir of Abraham Sheppard, relative to a military land warrant; which were severally read, referred to the land committee and sent to the house of representatives.

Received from the house of representatives, a message non-concurring with a resolution adopted by this house, relative to the postponement of the election for treasurers until Tuesday 27th instant; but stating, that they are ready to receive this house for the purpose of going into said election to day, and that they had appointed messrs. Trimble & Blount to superintend the balloting; which message was concurred with by this house, messrs. Douglass and Tipton appointed as tellers, and a message was sent informing the house of representatives thereof.

Also, the resignation of Benjamin Meneses as a justice of the peace for Robertson county; which was read and received.

Also, the petition of James Conn, praying to be allowed for his trouble in conveying Thomas Pate to the district jail of Hamilton; which was read and referred to the committee of claims.

Also, the petition of John Meniffee, praying a preference to be given him in entering certain lands by him here-

before purchased of Stockley Donaldson ; which was read and referred to the land committee.

A message was sent to the house of representatives informing that house that messrs. Tipton and Douglass, were appointed tellers in the election of treasurers ; and nominating Thomas Crutcher, Esq. as a candidate for that appointment for West-Tennessee ; and Thomas M'Corry, as a candidate for that appointment for E. Tennessee.

The speaker and gentlemen of the senate repaired to the representatives chamber, for the purpose of making the above mentioned appointments, when both houses proceeded to ballot for a treasurer for West-Tennessee, Thomas Crutcher being previously put in nomination ; and messrs. Douglass and Tipton, on the part of the senate, and messrs. Trimble and Blount on the part of the house of representatives, superintended the balloting ; when on counting out the ballots, it was found that Thomas Crutcher was duly and constitutionally elected, having thirty-six votes. The house then proceeded to the appointment of a treasurer for East-Tennessee, Thomas M'Corry being previously put in nomination ; the same gentlemen, as in the election for a treasurer for West-Tennessee, acted as tellers ; on counting out the ballots, it was found that Thomas M'Corry was duly and constitutionally elected, having thirty-six votes ; whereupon, the speaker of the senate declared, in presence of both houses, that Thomas Crutcher was duly and constitutionally elected treasurer of West-Tennessee, and Thomas M'Corry was duly and constitutionally elected treasurer of East-Tennessee.

The Speaker and gentlemen of the senate retired to the senate chamber.

Received a message from the house of representatives informing this house that they had stricken out the name of Mr. Cheatham from the committee of propositions and grievances, and added the name of Mr. Kirby in his room, to which they ask the concurrence of this house.

Received from the house of representatives the claim of William Maclin against the state of Tennessee, with vouchers accompanying the same.

Also, the claim of John B. Hood, for printing, &c. which

were severally read & referred to the committee of claims.

Also, the resignation of John Gibbs, a justice of the peace for Knox county; which was read and received.

Also, the petition of John Bright, praying to be compensated for maintaining sundry prisoners committed to his charge as jailor of Knox county; which was referred to the committee of claims and sent to the house of representatives.

Also, the petition of sundry of the inhabitants of Elk River, relative to occupant claims; which was read and referred to the land committee.

The house adjourned until to-morrow nine o'clock.

TUESDAY, October 20th, 1867.

The house met according to adjournment.

A message was sent to the house of representatives informing that house that Mr. Douglass was chosen speaker pro tem. in the absence of Mr. M'Minn, who is indisposed.

Mr. Perkins presented the petition of a number of the inhabitants of Williamson county, praying to have a new county laid off, &c: which was read, referred to the committee of propositions and grievances and sent to the house of representatives.

Received from the house of representatives, a bill to rectify a mistake in an act entitled "an act to establish a college in West-Tennessee," passed the 11th of September 1866; which was read the third and last time, and ordered to be engrossed.

Also, a bill for the establishment and regulation of a town to be laid off in Overton county, by the name of which was read the first time, passed and sent to the house of representatives.

Mr. Weakley presented the petition of Robert Heaton, praying the legislature to grant him a pre-emption right, &c. to 640 acres of land; which was read, referred to the land committee and sent to the house of representatives.

The house adjourned until three o'clock.

The house met according to adjournment.

Mr. Perkins presented a petition of Charles Cavenagh praying compensation for his services as a states' witness,

&c. which was read, referred to the committee of claims and sent to the house of representatives.

Received from the house of representatives, a bill to exonerate James King from a forfeited recognizance; which was read the first time; passed and sent back to the house of representatives.

Also, a bill to provide for the appointment of a public printer; which was read the third time, passed and sent back to the house of representatives.

Received from the house of representatives, a message informing this house that they have appointed Mr. Lillard speaker pro tem, in the absence of Mr. Tipton, who is indisposed.

Also, a message informing this house that they had withdrawn the name of Mr. Cocke from the committee appointed to receive the revisal of the laws from Moses Fisk, Esq. and have appointed Mr. Dixon in his room, and asking the concurrence of this house; which was concurred with, and a message sent informing the house of representatives thereof.

The senate suspended the business of legislation, for the purpose of going into the trial of impeachment of Isaac Philips and John Philips, justices of the peace for Robertson county.

Received from the house of representatives, a message informing this house that the managers appointed on the part of the house of representatives, to conduct the impeachment against Isaac Philips and John Philips, justices of the peace for Robertson county, are now ready to wait on this house for that purpose; to which message, an answer was sent, informing the house of representatives, that this house is ready to receive them.

The managers appointed by the house of representatives to conduct the impeachment against John Philips & Isaac Philips, appeared before the bar of the senate, and informed the court that they were ready to make good the articles of impeachment exhibited by the house of representatives against said Isaac Philips and John Philips, whereupon it was ordered by the court, that the serjeant at arms call Isaac Philips three times, who being so called, came not; the clerk was then directed to read the article

of impeachment, and plea of the defendant; and on motion of the managers, Archer Cheatham, and William Boren witnesses summoned by the managers, were sworn and examined; and after hearing the testimony of said witnesses and other evidence adduced, the court proceeded to pronounce judgment on said articles, and on the question being put—is the said Isaac Philips guilty in manner as charged in said article of impeachment; those who voted in the affirmative, were—messrs. Preston, Weakley, Lea, Doherty, Walton, Humphreys, Wilkinson, Perkins, Douglass and Tipton. 10. There being no votes in the negative, on motion it was ordered, that the further consideration of said cause and the judgment to be pronounced thereon, be postponed until to-morrow.

The court then proceeded to the trial of John Philips; whereupon it was ordered by the court, that the serjeant at arms call John Philips three times, who being so called, came not; the clerk was then directed to read the article of impeachment, and plea of the defendant; and on motion of the managers, Archer Cheatham and William Boren, witnesses summoned by the managers, were sworn and examined: On motion, ordered, that the farther consideration of said cause and the judgment to be pronounced thereon, be postponed until to-morrow.

The court then adjourned until to-morrow 11 o'clock.

The senate resumed the ordinary business of legislation.

House adjourned until to-morrow nine o'clock.

WEDNESDAY, October 21st, 1807.

The house met according to adjournment.

Received a message from his excellency the governor, accompanied by a memorial and statement of the accounts of the commissioners appointed to view and lay out a road from Fort-Nash, leading through the Cherokee nation, to the Georgia road near James Vanu's; and also, a report of the commissioners appointed to lay off a road from Williamson court-house, by the Muscle Shoals, to the settlements on the Tombigbay, &c. which were severally read, referred to the committee of claims and sent to the house of representatives.

Received from the house of representatives, a letter

from Moses Fisk, stating, that his individual concerns compelled him to return home, which would prevent him from waiting on the committee appointed to receive the revisal of the laws, &c. which was read and referred to the committee who were appointed to receive said revisal.

Also, a petition of William White, praying that the seat of justice in Jackson county may not be removed; which was read and referred to the committee of propositions and grievances.

Mr. Perkins, from the committee of propositions and grievances, presented the following reports, to wit:

That the petition of the citizens of the town of Jefferson in Rutherford county, praying to be authorised to hold an election for commissioners for the regulation of said town.

The petition of sundry inhabitants of the upper end of Wilson county, praying to be permitted to hold separate musters and elections.

The petition of sundry of the inhabitants of the upper end of Sumner county, praying to be permitted to hold separate elections and battalion musters at the house of William Harper.

And, the petition of Sampson Eldridge, praying to be divorced from his wife Franky Eldridge; are reasonable and such as should be granted.

Also, the petition of Charles Pruet, praying compensation in land for services by him rendered during the revolutionary war; is unreasonable and should not be granted.

NICHOLAS T. PERKINS, *Chairman.*

Which reports were severally read, concurred with and sent to the house of representatives.

Mr. Hunthreys presented a bill to authorise the county court of Dixon, to lay an additional county tax, for the purpose of completing the public buildings in said county; which was read the first time, passed, and sent to the house of representatives.

Mr. Weakley presented the petition of Robert Burton, relative to sundry entries of land made in John Armstrong's office; which was read, referred to the land committee, and sent to the house of representatives.

Received from the house of representatives, a bill to au-

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authorise William Cocke to erect a road from the plantation on which Wright Bond now lives, passing by said Cocke's iron-works on Poor-Valley, in Hawkins county, to the house where William Hendrickson formerly lived near Clinch river; which was read the third time, passed and sent to the house of representatives.

Also, a bill for the establishment and regulation of a town to be laid off in Overton county, by the name of Liberty; which was read the second time, passed and sent to the house of representatives.

Also, a message informing this house that they had referred the different maps of the surveyors, forwarded with the message, to the land committee; which was concurred with.

Also, a message informing this house that they had stricken off Mr. White from the committee of propositions and grievances, and appointed Mr. Crawford in his room; which was concurred with, and a message sent informing the house of representatives thereof.

Also, the resolution of the court martial of the third brigade of this state, requesting this general assembly to adopt some system of exercise for the different troops of cavalry in this state, and point out what author shall be pursued; which was read and referred to the committee who have under consideration the militia law.

Also, the petition of B. Totten, relative to the taxes due on reported lands, &c. which was read and referred to the committee of propositions and grievances.

Also, a bill to authorise the sheriff or collector of taxes in Smith county, to collect the arrearages of taxes due in said county before it was reduced to its constitutional limits; which was read the first time, passed and sent to the house of representatives.

The house resolved itself into a court, for the decision of the trial of the impeachment of Isaac Philips; whereupon it was the opinion of the court—that Isaac Philips be removed from office, and be disqualified from holding any office of trust or profit under the state of Tennessee, for the term of two years.

The court adjourned until Saturday next, for the purpose of deciding on the case of Isaac Philips.

The senate resumed the ordinary business of legislation.
House adjourned until to morrow nine o'clock.

THURSDAY, October 22, 1807.

House met according to adjournment.

Mr. Wilkinco, presented the memorial of D. Colwell, relative to a grant issued from the state of North Carolina, together with a letter signed William White.

Also, the memorial of Josiah Danford, relative to sundry grants issued from the state of North-Carolina.

Also, the petition of Joseph Vance, relative to a grant for one thousand acres of land; which were severally read, referred to the land committee, and sent to the house of representatives.

Mr. Perkins, from the committee of propositions and grievances, presented the following reports, to wit :

That the petition of Samuel Wilson, praying to be restored to his former privileges.

The petition of Jesse England, praying to be divorced from his wife Matilda England.

The petition of sundry citizens of Greene county, praying to be permitted to erect a ware-house at the plantation of James Pearce on Nolichucky river.

The petition of sundry citizens of Nashville, praying that commissioners may be appointed to fix the situation of the new jail, with authority to purchase a lot if necessary.

And, the petition of James King, praying to be released from a forfeited recognizance; are reasonable and ought to be granted.

Also, the petition of sundry citizens of Cocke county, praying that Jacob Boyer, may not be permitted to retain the water in his mill-dam, to the injury of other mills below.

The petition of Abner Healy, register, praying that registers may not be compelled to keep their offices at the court-houses.

And, the petition of sundry citizens of Nashville, praying that the law prohibiting billiard tables, may be repealed; are unreasonable and ought not to be granted.

NICHOLAS T. PERKINS, *Chairman.*

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Which reports were read, concurred with, and sent to the house of representatives.

Received from the house of representatives, a bill to establish the line between the counties of Anderson and Roane, as run by Jesse Roysdon, and marked by John M'Amey; which was read the first time, passed and sent to the house of representatives.

Also, a bill to exonerate James King from a forfeited recognizance; which was read the second time, passed and sent to the house of representatives.

Mr. Preston, introduced a bill to amend the law now in force, relative to holding elections in the district composed of the counties of Roane and Anderson; which was read the first time, passed and sent to the house of representatives.

Mr. Wilkinson, introduced a bill to amend the law regulating contracts in particular cases; which was read the first time, passed and sent to the house of representatives.

A message which was sent by the house of representatives, proposing amendments to the bill to carry into effect a contract between the state of Tennessee and Phineas Miller and Eli Whitney, and which was ordered to lie on the table for consideration; was taken up, and concurred with, and Messrs. Humphreys and White, appointed by this house to see the amendments made; and a message sent to the house of representatives informing them thereof.

The house ajourned until 3 o'clock P. M.

The house met according to adjournment.

Received from the house of representatives, a message informing this house that they had taken up for the third and last reading, the bill to provide for the appointment of a public printer; and proposing to amend the same in the first section by striking out the words "five cents," and inserting the words "four and one half," which message was non concurred with, and a message sent informing the house of representatives thereof.

Also, a bill for the establishment and regulation of a town to be laid off in Overton county, by the name of Monroe; which was read the third and last time, passed, and ordered to be engrossed.

Also, a bill to authorise the shériff or collector of taxes in Smith county, to collect the arrearages of taxes due in said county; which was read the first time, passed and sent to the house of representatives.

Mr. Weakley introduced, a bill for the regulation of the town of Jefferson in Rutherford county; which was read the first time, passed and sent to the house of representatives.

House adjourned until to morrow nine o'clock.

FRIDAY, October 23, 1807.

The house met according to adjournment.

Mr. Doherty presented the memorial of Christopher Haynes, praying the legislature, to pass a law making provision for him to obtain a grant for two thousand five hundred acres of land for the use of his Iron-works; which was read, referred to the committee who have the subject of Iron-work under consideration, and sent to the house of representatives.

Mr. White presented the petition of William Moore relative to the public printing; which was read and ordered to be sent to the house of representatives. A bill to amend the law regulating contracts in particular cases which was read, and on motion of Mr. Humphreys, ordered to lie on the table until Monday next.

Also, a bill to amend the law now in force relative to holding elections in the district composed of the counties of Anderson and Roane; which was read the second time, passed and sent to the house of representatives.

Also, a bill to authorise the county court of Dixon, to lay an additional tax for the purpose of completing the public buildings in said county; which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill to give names to the illegitimate children of Samuel Mitchell and make them capable of inheriting; which was read the first time, passed and sent to the house of representatives.

Also, a message enclosing the following resolution: Resolved, that the register of the land office or East

Tennessee, do receive such maps as have been laid before the general assembly, and have not been lined, and that he do cause to be lined said maps with canvass, in such manner as to prevent the same from being torn or destroyed.

Which resolution was concurred with, and a message sent informing the house of representatives thereof.

The house adjourned until 3 o'clock.

The house met according to adjournment.

Mr. White, from the committee of enrolments reported the following bills correctly engrossed, to wit:

An act to establish a college in East-Tennessee.

An act to provide for the appointment of a public printer.

And, an act providing for a separate election to be held at the town of Palmyra in the county of Montgomery; which were signed by the speaker and sent to the house of representatives.

Mr. White, presented the resignation of John Trimble, a justice of the peace of Blount county; which was read, received and sent to the house of representatives.

Received from the house of representatives, a bill to authorise a separate election in the county of Greene; which was read the second time, passed and sent back to the house of representatives.

Also, a bill for the regulation of the town of Jefferson in Rutherford county; which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill to authorise the sheriff or collector of taxes in Smith county, to collect the arrearages of taxes due in said county before it was reduced to its constitutional limits; which was read the third and last time passed and ordered to be enrolled.

Also, a message non-concurring with this house in referring the memorial of Christopher Haynes to the committee who have under their consideration the subject of Iron-works, but proposing to refer said memorial to the land committee; which was concurred with by this house, and a message sent to the house of representatives informing them thereof.

Also, a message proposing that this house should meet

the house of representatives in the representatives chamber on Tuesday the 27th instant, at the hour of three o'clock, P. M. for the purpose of going into the election for a public printer for the state; and informing this house that they have appointed Messrs. Black and Cryer on their part to superintend the balloting, and asking the concurrence of this house; which message on motion of Mr. White, was ordered to lie on the table.

Also, the report of the surveyor of the second district; which was read and referred to the land committee.

Also, the petition of William Bartlet, praying to have a law passed to make him compensation for building a jail in the town of Carthage.

Also, the petition of a number of the citizens of the upper end of Jefferson county, praying to be added to Hawkins County; which were read and referred to the committee of propositions and grievances.

The House adjourned until to-morrow 9 o'clock.

SATURDAY, October 24, 1807.

The house met according to adjournment.

Mr. Preston presented a certificate of the resignation of Isham Cox, as a justice of the peace for Roane county; which was read, received and sent to the house of representatives.

Mr. White from the committee of enrolments, reported the following bills correctly engrossed, to wit:

An act making further provision to carry into effect a contract between the state of Tennessee and Eli Whitney and Phineas Miller.

An act to rectify a mistake in an act entitled "an act to establish a college in West-Tennessee," passed the 11th day of September 1806, and for other purposes.

An act to repeal a certain act therein mentioned.

An act to alter the names of the persons therein mentioned.

An act for the relief of Harriot Walker.

An act for the regulation of the town of Carthage.

An act to authorise a separate election in the county of Stuart.

An act to authorise William Cocke to open a road from

the plantation on which Wright Bond now lives, passing by said Cocke's Iron-works on Poor-Valley creek in Hawkins county, to the house where William Henderson formerly lived, near Clinch river.

Mr. Weakley presented the petition of Robert Burton.

Also, the petition of William T. Lewis, relative to sundry entries made in John Armstrong's office; which were read; referred to the land committee and sent to the house of representatives.

Also, a bill concerning the division of land; which was read the first time, passed and sent to the house of representatives.

Mr. Perkins from the committee of propositions and grievances, presented the following reports, which were each signed by him as chairman;

That the petition of sundry inhabitants of Rutherford county, praying that the seat of justice may remain at Jefferson where it now is; is unreasonable and should not be granted.

That the petition of sundry inhabitants of Rutherford county praying that the seat of justice may be removed from Jefferson where it now is to the centre or within two miles of the centre of said county; is reasonable and ought to be granted; which reports on motion of Mr. Weakley were ordered to lie on the table until Monday next.

Also, the petition of William M'Key, praying that he may be permitted to turn a certain road crossing the Harpeth, near his mill; is reasonable and ought to be granted; which was concurred with and sent to the house of representatives.

Received from the house of representatives, a memorial, of Alexander M'Mullen and Joseph Campbell, respecting an entry of land made in John Armstrong's office; which was read and referred to the land committee.

Also, a bill to establish the bounds of Anderson county and the bounds of Campbell county; which was read the first time, passed and sent back to the house of representatives.

Also, a bill to restore Samuel Wilson to his former privileges and capacities; which was read the first time,

passed and sent back to the house of representatives.

The house resolved itself into a court, for the purpose of pronouncing judgment in the case of the impeachment of John Philips, a justice of the peace of Robertson county; the articles of impeachment, against said John Philips, was read, and on the question brought—*is said John Philips guilty in manner and form as charged in said article of impeachment*, the yeas and nays were as follow:

Yeas—Mr. Humphreys. 1.

Nays—messrs Preston, Weakly, Lea, Doherty; Walton, Wilkins, Douglass, Perkins and Tipton. 9.

The president of the court, declared John Philips not guilty of the charge in manner and form as set forth in the articles of impeachment exhibited against him by the house of representatives of the state of Tennessee.

On motion of the managers, to tax the defendant Isaac Philips with the costs of the impeachment, the yeas and nays were as follow:

Yeas—

Nays—messrs. Preston, Weakley, Doherty; Walton, White, Humphreys, Wilkinson, Douglass, Perkins and Tipton, 10. Motion lost.

The senate resumed the ordinary business of legislation.

Mr. White presented a bill to amend the laws now in force prescribing the mode of making partition of lands; which was read the first time, passed and sent to the house of representatives.

The house adjourned until Monday ten o'clock.

MONDAY, October 26, 1807.

The house met according to adjournment.

Mr. M'Minn who was absent through indisposition, returned and took his seat.

Mr. Weakley presented the petition of William Wilson, relative to a claim which he filed with the board of commissioners for West-Tennessee; which was read, referred to the land committee and sent to the house of representatives.

Mr. Russell who had leave of absence until to day, returned and took his seat.

On motion of Mr. Weakley, messrs. White, Humphreys

and Weakley, had leave of absence, in order to progress in the business of the land committee.

Mr. Perkins presented the petition of John Hawkins, James Neily, senr. and Joseph B. Porter, commissioners appointed for the purpose of laying off and marking a road from Franklin to the settlements on the Tombigley, together with a statement of their accounts, and praying to be compensated for their services ; which was read, referred to the committee of claims, and sent to the house of representatives.

Mr. Tipton offered the following resolution, to wit :

Resolved by the general assembly of the state of Tennessee, That the senators from this state in the congress of the United States, be, and are hereby instructed, and the representatives be requested, to use their endeavours, as soon as practicable, to procure authority to be vested in the executive of this state, by the government of the United States, to appoint one or more commissioners for the purpose of holding a treaty or treaties with the Cherokee nation of Indians, to extinguish their claim to all or any part of the lands within the chartered limits of this state ; and within the bounds relinquished to this state, by an act of congress entitled "an act to authorize the state of Tennessee to issue grants to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same ;" and that the government of the United States, if necessary, appoint one or more commissioners, to act in behalf of the said United States, with such commissioners as may be appointed in behalf of this state, for the purpose aforesaid.

Resolved, That the governor of this state be hereby requested, to cause to be transmitted as soon as practicable, a transcript of the above resolution to each of the senators and representatives of this state, in the congress of the United States.

Which was read, adopted and a message sent informing the house of representatives thereof, and asking their concurrence.

Received from the house of representatives, a message concurring with the above resolution.

Mr. Walton presented the petition of Polly Simpson,

praying to be divorced from her husband Isaac Simpson ; which was read, referred to the committee of propositions and grievances and sent to the house of representatives.

Mr. Humphreys presented the petition of sundry citizens of Dixon county, relative to billard tables ; which was read, referred to the committee of propositions and grievances and sent to the house of representatives.

Also, the accounts of Stuart W. Thornton, Archer Cheatham and William Beren ; which were read, referred to the committee of claims and sent to the house of representatives.

The house adjourned until 3 o'clock.

House met according to adjournment.

Received from the house of representatives a petition, praying the 5th section of the militia law may be amended ; which was read and referred to the committee who have the militia law under consideration.

Also, a petition of a number of the citizens of Nashville and its vicinity, praying for a bank establishment in Nashville, with a message accompanying the same, informing this house that they had referred said petition to a select committee to report by bill or otherwise, and appointed Messrs. Blount, Dardis, Williamsen and Lillard, on their part, to act with such gentlemen as the senate may think proper to appoint ; which was concurred with, messrs Douglass and Doherty, appointed as a committee on the part of this house, and a message sent informing the house of representatives thereof.

Also, a petition of James Eastin, relative to land warrants, which issued in his name from the secretary of this state ; which was read and referred to the land committee.

Also, a bill for the relief of persons who have not had their deeds, grants, mesne conveyances or bills of sale, registered within the time heretofore prescribed by law ; which was read the first time, passed and sent to the house of representatives.

Also, a bill for the regulation of the town of Jefferson in Rutherford county ; which was read the third time, passed and sent to the house of representatives.

Also, a bill to establish the line between the counties of

An lerson and Roane, as run by Jesse Roysdon and marked by John M'Kamy; which was read the second time, passed and sent to the house of representatives.

Also a bill to amend the law now in force prescribing the mode of making partition of lands; which was read the second time, passed and sent to the house of representatives.

A bill to amend the law regulating contracts in particular cases; was taken up, read, and on motion, withdrawn by Mr. Tipton for amendment.

Also, a bill to establish the bounds of Anderson county and the bounds of Campbell county; which was read the second time, passed & sent to the house of representatives.

Received from the house of representatives, the report of the commissioners for East-Tennessee, which was read and referred to the committee who have under consideration the late land law.

Received from the house of representatives, a message informing this house that they had adopted the following resolution, (to wit:)

Resolved, that ten copies of the report of the board of commissioners for West-Tennessee, and ten copies of the report of the board of commissioners for East-Tennessee, be printed for each member of the general assembly.

Which was read and adopted; whereupon, it was ordered, that a message be sent to the house of representatives informing them thereof, which was done accordingly.

The message proposing that this house should meet the house of representatives in the representatives chamber on Tuesday the 27th instant, at the hour of 3 o'clock, p. m. for the purpose of going into the election of a public printer; &c. and which on motion of Mr. White, was ordered to lie on the table, was taken up, concurred with, messrs. White and Weakley, appointed to superintend the balloting, and a message sent informing the house of representatives thereof.

Also, a petition of the 16th regiment of militia, praying to have a law passed to divide said regiment, &c. which was read and referred to the committee of propositions and grievances.

House adjourned until to-morrow nine o'clock.

TUESDAY, October 27th, 1807.

The house met according to adjournment.

Mr. Tipton moved for leave and presented a bill concerning pedlars and hawkers; which was read the first time, passed and sent to the house of representatives.

The house adjourned until three o'clock.

The house met according to adjournment.

Agreeable to order; the speaker and gentlemen of the senate ~~returned~~ to the representatives chamber, for the purpose of going into the election of public printer; when George Wilson and William Moore were put in nomination, messrs. White and Weakley on the part of the senate, and messrs. Black and Cryer, on the part of the house of representatives, superintended the balloting; on counting out the votes it was found that William Moore had twenty two and George Wilson had seventeen votes;—whereupon the speaker of the senate declared in presence of both houses, that William Moore was duly and constitutionally elected public printer for the term of two years.

The speaker and gentlemen of the senate returned to the senate chamber.

Mr. Russell moved for leave and introduced, a bill supplemental to an act entitled "an act to encourage the building of Iron-works in this state," passed at Fayetteville in the year 1788; which was read the first time, passed and sent to the house of representatives.

Also; a bill to authorise the different clerks in this state to correct certain grammatical errors therein referred to; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, the petition of Isaac Baker, relative to a turn pike road; which was read and referred to the committee of propositions and grievances.

Also, the petition of Edward Fitzpatrick, relative to an occupant claim; which was read and referred to the land committee.

Mr. Doherty presented the petition of Thomas Dillen, relative to a grant purchased of Sockby Doreben; which was read, referred to the land committee and sent to

the house of representatives.

The house adjourned until to-morrow 9 o'clock.

WEDNESDAY, October 28th, 1807.

The house met according to adjournment.

Received from the house of representatives, a bill to repeal so much of an act passed the 7th day of November 1803, to ascertain what property in this state shall be deemed taxable, the mode of collecting, accounting for and paying public taxes, as respects pedlars and hawkers; which was read the second time, and laid on the table.

Mr. Douglass presented the petition of Archibald Taylor, relative to a grant for 640 acres of land; which was read, referred to the land committee and sent to the house of representatives.

Received from the house of representatives, a bill for the regulation of the town of Lebanon; which was read, and on motion of Mr. Douglass, withdrawn by him for amendment.

Mr. Perkins from the committee of propositions and grievances, made the following reports, to wit:

That the petition of sundry inhabitants of Claiborne county, relative to the bounds of said county and Campbell county, so far as it respects the upper line.

Also, the petition of sundry citizens of Anderson county, relative to the bounds of said county and Campbell county; are reasonable and ought to be granted.

The petition of sundry citizens of Campbell county, relative to the bounds of said county and Anderson county; is unreasonable and should not be granted.

NICHOLAS T. PERKINS, *Chairman.*

Which reports were concurred with, and sent to the house of representatives.

Received from the house of representatives a bill to establish the lines between the counties of Anderson and Roane, as run by Jesse Roydon and marked by John McAmey; which was read the third and last time, and ordered to be engrossed.

Mr. Russell presented a bill to authorise the reception of the printed journals of the senate and house of representatives of this state, as evidence, &c. which was read

the bill was passed and sent to the house of representatives.

Received from the house of representatives, a bill to give names to the illegitimate children of Samuel Mitchell, and make them capable of inheriting ; which was read the second time, passed and sent to the house of representatives.

Mr. Walton from the committee appointed to examine into the manner in which the public printing has been done, made the following report, to wit :

That they have according to order, examined the vouchers produced by William Moore, who is intermarried with Elizabeth Roulstone, who was elected public printer, and find that the laws and journals have been forwarded to the clerks of the different counties.

The committee cannot say with certainty, that the exact number of copies of laws and journals have been received, inasmuch as many of the clerks have not designated the number of copies received by them ; but the committee are induced to believe that in this respect there is no material deficiency.

The committee report, that on examining the date of the respective receipts for the laws of the different clerks, they all appear to be taken within four months from the 12th of September, 1806, except a few, and those within a few days after that time expired.

The committee report, that from said reports, &c. they find the journals of the senate were with the exception of a few counties, delivered within six months after the rise of the last legislature ; and that the journals of the house of representatives, were not forwarded within that time, and that the reason assigned to your committee for said default by said William Moore, was an omission in the secretary not furnishing to the printer the said journal in due time, to have the same printed as soon as the law required.

Your committee further report, that from the vouchers and evidence to them produced, they are induced to believe the number of copies of the different laws required by the legislature to be printed, have been printed and forwarded.

Your committee further beg leave to recommend, that whereas the laws and journals required by law to have been printed and are now forwarded to the different counties, that the secretary of state be directed to liquidate the account of the said William Moore on behalf of his wife Elizabeth Roulstone, public printer, according to the price designated in the act of the last session of the legislature and for the quantity of printing therein required to be performed.

W. WALTON, *Chairman.*

Which report was read, concurred with and sent to the house of representatives.

Received from the house of representatives, a bill to authorise a separate election in the county of Greene; which was read and the following amendment proposed by Mr. Russell, to wit: by adding the words "to be performed by the sheriff," immediately after the word "required," in the sixth section of said bill; which was adopted, and a message was sent to the house of representatives informing them thereof, and requesting them, should they agree to said amendment, to send two of their body to see it made.

Received from the house of representatives a message concurring with the amendments proposed to the above mentioned bill, and Messrs. Cocke and Guin sent to see the same made.

The above named bill was then read the third and last time, passed and ordered to be engrossed.

Mr. Walton presented a petition relative to the navigation of the Caney-Fork of Cumberland river; which was read, referred to the committee of propositions and grievances and sent to the house of representatives.

Received from the house of representatives a resolution, that hereafter during this session, no petition shall be referred to the committee having under consideration the subject of the land business of this state, when it appears the object of the prayer of such petition has already been discussed or provided for by the committee: which, as concurred with, and a message sent to the house of representatives informing them thereof.

Received from the house of representatives a petition

of sundry citizens of Elk river, relative to procuring titles for their lands, the appointment of justices of the peace, and the laying off a new county, &c. which was read and referred to the committee of propositions and grievances.

Also, a bill respecting George Dawson Blackmore; which was read the first time, passed and sent to the house of representatives.

Also, a bill authorising the county court of Sumner to grant to David Dement and John Chapman certain privileges therein mentioned; which was read the first time, passed and sent back to the house of representatives.

The house adjourned until three o'clock.

The house met according to adjournment.

Mr. Douglass who withdrew for amendment, a bill for the regulation of the town of Lebanon, returned the same with a proposed amendment thereto, which was read and received; the said bill was then read the first time, amended, passed and sent to the house of representatives.

Mr. Perkins presented a bill to reduce the county of Williamson to her constitutional limits, and to form a new county on the south and south west of the same; which was read the first time, passed and sent to the house of representatives.

The house adjourned until to-morrow nine o'clock.

THURSDAY, October 29th, 1807.

The house met according to adjournment.

Mr. Preston presented a bill to reduce Roane county to her constitutional limits, and to form two new and distinct counties south west of the same; which was read the first time, passed and sent to the house of representatives.

Mr. Perkins from the committee of propositions and grievances, presented the following reports; which were each signed by him as chairman of said committee, to wit;

That the petition of Isaac Baker, praying that he may be permitted to keep the turn pike on the road from Sherill's Cove to the Painted rock, at his own house.

The petition of sundry of the militia of the sixteenth regiment, praying that they may be divided into two separate regiments.

The petition of William Carruthers, praying to be divorced from his wife Mary.

The petition of sundry of the citizens of Rutherford county, praying that a new county may be laid off including the three forks of Duck river.

And the petition of sundry citizens of the western part of Roane county, praying that a new and separate county may be erected ; are reasonable and such as should be granted.

That the petition of sundry inhabitants of Rutherford county, praying that a new county may not be laid off on the waters of Duck river.

The petition of sundry citizens of Dickson county, praying that the law prohibiting the keeping of billiard tables may be repealed.

The petition of William Bartlet, praying that a law may be passed granting him additional compensation for building the public jail in Carthage.

And the petition of Polly Simpson, praying to be divorced from her husband Isaac Simpson : are unreasonable and should not be granted ; which reports were concurred with, and sent to the house of representatives.

The petition of Nancy R. Gardenhire, praying to be divorced from her husband George Gardenhire, is reasonable and ought to be granted ; which was non-concurred with, and sent to the house of representatives.

The petition of William Moore and Elizabeth Moore, praying additional compensation for printing, &c. is unreasonable and should not be granted ; which report, on motion of Mr. White, was laid on the table.

The report of the committee of propositions and grievances on the petition of sundry inhabitants of Rutherford county, praying that the seat of justice may remain at Jefferson where it now is, and which was reported unreasonable. And on the petition of sundry inhabitants of Rutherford county, praying the seat of justice may be removed from Jefferson where it now is to the center or within two miles of the center of said county and which was reported reasonable, and on motion of Mr. Weakley, ordered to lie on the table ; were taken up and concurred with, and sent to the house of representatives.

Received from the house of representatives, a communication of John Strother relative to the southern boundary line of the state ; was read and referred to the land committee.

Also, a petition of Lenoard Shawn relative to an entry made in the entry taker's office of Washington county, commonly called Carter's office ; and also relative to the transcript of said entry book, which was procured from the secretary's office of the United States ; and praying that the same may not be made conclusive evidence for the adjudication of claims to lands from that office ; which was read and referred to the land committee.

Also, a bill to establish the bounds of Anderson county and the bounds of Campbell county ; which was read, and on motion of Mr. Preston, withdrawn by him for consideration.

Also, a bill concerning billiard tables ; which was read the first time, passed and sent to the house of representatives.

Also, a bill to amend an act entitled " an act to establish academies in the several counties in this state, and for the appointment of trustees thereof ;" which was read the third time, passed and sent to the house of representatives.

Also, a bill for the regulation of the town of Lebanon ; which was read the second time, passed and sent to the house of representatives.

Also, a bill to reduce the county of Williamson to its constitutional limits ; which was read and on motion of Mr. Perkins, ordered to lie on the table until Thursday next.

Also, a bill to authorize the reception of the printed journals of the senate and house of representatives of this state as evidence ; which was read and on motion of Mr. Russell, withdrawn by him for amendment.

The house adjourned until 3 o'clock.

The house met according to adjournment.

A bill to establish the bounds of Anderson county, and the bounds of Campbell county ; which was withdrawn by Mr. Preston for consideration, was by him returned ;

which bill was then read the third and last time, and ordered to be engrossed.

Mr. Russell who withdrew for amendment a bill to authorise the reception of the printed journals of the senate and house of representatives of this state as evidence, returned the same; which was read the second time, amended, passed and sent to the house of representatives.

A bill to repeal the second section of an act entitled "an act to repeal an act entitled "an act for the better security of the trial by jury in the superior courts," which was ordered to lie on the table; was taken up and read, and on motion of Mr. Douglass, withdrawn by him for amendment.

A bill to reduce Williamson county to its constitutional limits: which was withdrawn by Mr. Perkins for amendment, was by him returned; which bill was then read the second time, amended, passed and sent to the house of representatives.

Received from the house of representatives, a bill to give names to the illegitimate children of Samuel Mitchell and make them capable of inheriting; which was read the third and last time, and ordered to be engrossed.

Also, a bill supplemental to an act entitled "an act to encourage the building of iron works in this state," passed at Fayetteville in the year 1788; which was read, and on motion of Mr. White ordered to lie on the table.

House adjourned until to morrow morning 9 o'clock.

FRIDAY, October 30th, 1807.

The house met according to adjournment.

Mr. Weakley presented the petition of John Medaris, relative to an entry made on a warrant issued from John Armstrong's office, for 1020 acres of land; which was read, referred to the land committee and sent to the house of representatives.

Mr. Humphreys presented a bill respecting persons to be elected clerks of the county courts within this state; which was read the first time, passed and sent to the house of representatives.

On motion of Mr. Weakley, the following resolution was adopted, to wit:

Resolved, that the general assembly adjourn until 9 o'clock on Monday next, for the express purpose, that the different committees immediately proceed to discharge the several duties assigned them.

Resolved also, that the attendance of the members composing each and every of the committees will be given with the same punctuality as though the legislature was to remain in session. A message was sent informing the house of representatives thereof.

Received from the house of representatives, a bill to amend an act entitled "an act for appointing commissioners to superintend the opening and keeping in repair that part of the road leading from Virginia to North Carolina and Kentucky, which lies between the Cross Roads at a place called Bean's Station in Grainger county, to the ford of Sycamore creek in Claiborne county," passed at Knoxville, November 2nd, 1805; which was read the first time, passed and sent to the house of representatives.

Also, a bill to divide Rutherford county and to form a new county on the southern of said county by the name of ; which was read the first time, passed and sent to the house of representatives.

Also, a bill for the regulation of the town of Lebanon; which was read the third and last time, and ordered to be engrossed.

A bill authorising the countycourt of Sumner to grant to David Dement and John Chapman, certain priviledges therein mentioned; which was read the second time, passed and sent to the house of representatives.

Also, a bill to appoint commissioners and to vest them with power to sell the public lot and jail in front of the court house in Rogersville, and for other purposes therein mentioned; which was read the second time, passed and sent to the house of representatives.

Also a bill repealing George Dawson Blackmore; which was read the second time, passed and sent to the house of representatives.

Also, a bill to exonerate James King from a forfeited recognizance; which was read the third and last time, passed and sent to the house of representatives.

Also, a bill to prevent sheriffs, coroners & constables from

taking under advantages in selling property under execution; which was read the first time, passed and set to the house of representatives.

Also, a message concurring with the resolution of this house, that the general assembly adjourn until 9 o'clock on Monday next, for the express purpose that the different committees immediately proceed to discharge the several duties assigned them, and that the attendance of the members composing each and every of the committees will be given with the same punctuality as though the Legislature was to remain in session.

The house adjourned until Monday 9 o'clock.

MONDAY, November 2, 1807.

House met according to adjournment.

The house adjourned until to-morrow 9 o'clock.

TUESDAY, November 3, 1807.

The house met according to adjournment.

Mr. Wealey presented the petition of a number of the citizens near Nashville protesting against the establishment of a bank in said town; which was read, and referred to the select committee who have that subject under consideration and sent to the house of representatives.

Also, a petition of the inhabitants of Stummborough on White's creek, praying to be recognized as a volunteer corps of cavalry of the militia of this state; which was read, referred to the committee who have the militia law under consideration and sent to the house of representatives.

Mr. Humphries presented sundry papers relative to the claims of William Loggins, to a pre-emption right for land, &c. which was read, referred to the land committee and sent to the house of representatives.

Mr. Tipton presented the petition of Elihu Embree, praying to be divorced from his wife Annis Embree; which was read, referred to the committee of propositions and grievances and sent to the house of representatives.

Mr. Douglass from the committee of claims presented the following reports, which were each signed by him as chairman of said committee, to wit:

That the petition of Stephen Copeland, justice of the peace, praying that compensation may be made to Daniel

McDaniel and Bird Nichol, whom he deputed to convey an Indian from near the Standing-stone to Carthage jail, is reasonable and that they are entitled to the sum of ten dollars for said service.

That the petition of Wm. Christmass, Wm. Mitchell, John McClellan and John Brown, principal surveyors of the first, third, forth, and fifth districts, praying compensation for stationary, &c. is not reasonable and should not be granted.

That the account of John B. Hood, for sundry printing performed for the state, is reasonable and allow him to receive 26 dollars 50 cents, as compensation for his services.

That the petition of James Conn sheriff of Grainger county, praying compensation for conveying the body of Thomas Pate from Thomas Henderson's in said county, to the District Jail in Knoxville, is reasonable and allow him 10 dollars for his trouble and expenditures.

That the petition of Jesse Bean, John Drake and John Gowen, praying compensation for laying out and making a road from Nashville to Mrs. Fallings on the Georgia road, is reasonable and that they ought to be allowed the sum of 300 dollars for their services.

That the claim of Stuart W. Thornton, relative to services performed as sergeant at arms in the case of the impeachment of Isaac Philips, and John Philips, is reasonable and that he ought to be allowed the sum of 80 dollars for said services. And also, the claim of Archer Cheatham and William Boren, for attending as witnesses against said Isaac Philips and John Philips, is reasonable and that they are entitled to the sum of 40 dollars each for their services.

That the memorial of John Hawkins, James Neily and Joseph B. Porter, praying compensation for laying out and marking a road from the neighbourhood, of Franklin to the Muscle Shoals, is reasonable and that they ought to be allowed the sum of 432 dollars 72 cents as compensation for their services.

That the petition of John McClelland, praying to be reimbursed in the sum of 180 dollars 62 cents, money by him furnished Joseph Dorris while engaged in cutting the

road from Hamilton to Mero district, is reasonable and ought to be granted.

That the petition of Luke Lea, jun. praying compensation for sundry articles furnished the board of commissioners for East-Tennessee, is reasonable and that he ought to be allowed the sum of 65 dollars 27 cents, for furnishing said articles.

That the petition of Daniel Rather praying compensation for removing two criminals from Roane county, to Jonesborough, is reasonable and that he ought to be allowed 46 dollars 50 cents, as full compensation for his time and expences.

That the petition of George Brown register of Greene county, praying that he may receive compensation for furnishing the board of commissioners of East-Tennessee with a transcript of the grants registered in his office, which transcript was not furnished within the time prescribed by law, is reasonable, and the committee have resolved, that the register of the land office be directed to liquidate the account of the said George Brown and give him a certificate for his services performed in transcribing the aforesaid grants.

That the memorial of Charles Cavanaugh, praying compensation for himself and William Gray, for attending as witnesses against George W. Welsh, in a criminal prosecution, as said Welsh is now insolvent, is reasonable, and that a general law ought to be passed making provision for all similar cases.

The committee of claims to whom was referred the certificate of the board of commissioners for West-Tennessee for services performed by Brice L. Martin in conveying sundry documents relative to land claims from Knoxville to Nashville, report, that they think him entitled to the sum of 50 dollars for his services.

That the memorial of John N. Gamble, praying compensation for prefixing notes to the laws of the last session of the legislature, is reasonable, and that he is entitled to the sum of 20 dollars for the above mentioned service.

That the petition of Stephen Majors, register of Sullivan county, praying that he may receive compensation for a book by him procured for the purpose of recording the

original grants in his office ; and the petition of George Mason, register of Greene county, praying compensation for a book by him procured for the purpose of recording the original grants in his office, are unreasonable and ought not to be granted.

Which reports were severally read; concurred with and sent to the house of representatives.

Mr. Douglass from the committee of claims also made the following reports to wit : That the petition of John Bright jaylor, praying compensation for keeping sundry persons in the jail of Knoxville ; and the petition of Benjamin J. Bradford, praying compensation for advertising sundry tracts of land reported under taxation and the sale of which did not amount to the taxation, are unreasonable and should not be granted ; which reports were ordered to lie on the table until Saturday next.

Mr. Wilkinson presented a bill to repeal an act entitled "an act for the punishment of horse-stealing ; which was read the first time, passed and sent to the house of representatives.

Mr. Donerty from the committee who have under consideration the militia law of this state, reported, a bill supplementary to an act entitled " an act for the better establishment and regulation of the militia of this state," passed at Knoxville on the 5th of November 1803 ; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill regulating costs in criminal prosecutions ; which was read and on motion of Mr. Wilkinson, ordered to lie on the table.

The house adjourned until to-morrow nine o'clock.

WEDNESDAY, November 4, 1807.

The house met according to adjournment.

A bill to amend the law regulating contracts in particular cases ; which was withdrawn by Mr. Tipton for amendment, was by him returned, amended, and amendment received ; On motion of Mr. Humphreys to strike out part of said amendments, viz ; the second section of said bill and which is as follow ;

Sec. 2. Be it enacted, That in all contracts for the delivery of specific articles not exceeding the value of 50

dollars, a justice of the peace shall have full and complete jurisdiction, and shall award judgment and issue execution as in other cases: *Provided always*, that either of the parties shall have the right of appeal from such judgment."

The yeas and nays were taken as follow:

Yeas—messrs. Lea, White, Humphreys and Perkins.

Nays—messrs. Preston, Weakley, Doherty, Wilkinson and Tipton.

The above named bill was then read the 2nd time, amended, passed and sent to the house of representatives.

Received from the house of representatives, a bill supplemental to an act appointing commissioners, to contract for the building and erecting a new district and county jail in the town of Nashville, on the bluff of Cumberland river near the water, and for other purposes; which was read the first time, passed and sent to the house of representatives.

A bill to reduce Roane county to her constitutional limits, and to form two new and distinct counties south west of the same; which was ordered to lie on the table, was taken up, and read, and on motion of Mr. Preston, ordered to lie on the table until to-morrow.

Mr. Humphreys presented a bill for the regulation of the town of Clarksville; which was read the first time, passed and sent to the house of representatives.

Mr. Wilkinson presented a bill for the regulation of the town of Maryville; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill to prevent the exportation of unmerchantable cotton; which was read the first time, passed and sent to the house of representatives.

Also, a bill to incorporate a banking association by the name of the "Nashville Bank;" which was read the first time, passed and sent to the house of representatives.

The house adjourned until 3 o'clock P. M.

The house met according to adjournment.

Received from the house of representatives, a petition of Polly Philipson, praying to be divorced from her husband John Philipson; also, the petition of Hugh Kenne-

dy and Elianor Kennedy his wife, praying to be divorced from the bonds of matrimony ; which were severally read and referred to the committee of propositions and grievances.

Also, a petition of sundry of the inhabitants of Wilson county, praying that said county may be annexed to the district of Winchester ; which was read and referred to the committee of propositions and grievances.

Also, sundry papers appertaining to the claim of Hugh M'Bride for land which he claims for services rendered as a soldier for the protection of Davidson county, under the command of Major Thomas Evans ; which was read and referred to the land committee.

Also, the memorial of Thomas Dardis, praying compensation for conveying books, transcripts, papers and documents from Raleigh in North-Carolina, to Knoxville in the state of Tennessee ; which was read, referred to the committee of claims.

Also, the memorial of John Russell and John Gass, relative to a land warrant issued from John Armstrong's office for one thousand acres of land, which warrant they purchased of Spencer Griffin ; which memorial was read and referred to the land committee.

Mr. Russell presented a bill relative to clerks fees ; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill to authorise a separate election in the county of Wilson ; which was read the first time, passed and sent to the house of representatives.

Also, a bill to authorise the reception of the journals of the senate and house of representatives of this state as evidence ; which was read the third time, amended, passed and sent to the house of representatives.

Also, a bill respecting George Dawson Blackmore ; which was read the third and last time, and ordered to be engrossed.

Also, a bill to fix the seat of justice in the county of Rutherford at or near the centre thereof, and for other purposes ; which was read the first time, passed and sent to the house of representatives.

Also, a bill authorising the county court of Sumner to grant to David Dement and John Chapinan, certain privileges therein mentioned ; which was read the third and last time, and ordered to be engrossed:

Also, a petition of sundry inhabitants of White county, praying for a division of said county into two separate and distinct counties ; which was read and referred to the committee of propositions and grievances.

Also, a bill to reduce the county of Williamson to its constitutional limits, and to form a new county on the south and south west of the same ; which was read, and on motion, withdrawn by Mr. Weakley for amendment.

Also, a bill concerning ferries and ferry landings ; which was read the second time, passed and sent to the house of representatives.

Mr. Russell presented the petition of the registers of Washington district and others, praying that the registers may be compensated for furnishing the board of commissioners with a transcript of grants registered in their respective offices, &c. which was read and referred to the committee of propositions and grievances, and sent to the house of representatives.

House adjourned until to-morrow nine o'clock.

THURSDAY, November 5th, 1807.

House met according to adjournment.

Mr. Weakley who withdrew for examination, a bill to reduce the county of Williamson to its constitutional limits, and to form a new county on the south and south west of the same, returned said bill, and on motion of Mr. Lea to strike out the word "Marry;" in said bill, the yeas and nays were as follows:

Yeas—Messrs. Preston, Weakley, Lea, Doherty, White, Humphreys and Tipton. 7.

Nays—Messrs. Wilkinson, Douglass and Perkins. 3.

The said bill was then read the third time, amended, passed and sent to the house of representatives.

Received from the house of representatives a bill for the re-granting of the town of Clarksville : which was read the second time, passed and sent to the house of representatives.

Also, a bill for the regulation of the town of Maryville ; which was read the second time, amended, passed & sent to the house of representatives.

Also, a bill to prevent sheriffs, coroners and constables from taking undue advantages in selling property under execution ; which was read the second time, amended, passed and sent to the house of representatives.

Also, the claim of Robert Houston, for contingent and other expences, appertaining to the office of secretary of state ; which was read and referred to the committee of claims.

The house adjourned until 3 o'clock.

House met according to adjournment.

Mr. Perkins presented a petition of the inhabitants of Duck river and part of Williamson county, praying for a new county to be laid off for their convenience ; which was read, referred to the committee of propositions and grievances & ordered to be sent to the house of representatives.

On motion of Mr. Wilkinson, a bill regulating costs in criminal prosecutions, which was heretofore ordered to lie on the table, was taken up, read, and on motion of Mr. White, ordered to lie on the table for farther consideration.

Mr. Wilkinson moved for leave and introduced a bill to amend an act entitled "an act to empower the county courts of pleas and quarter sessions of the several counties of this state, to order the laying out public roads, and to establish and settle ferries, and to appoint where bridges shall be built," passed August the 4th, 1804 ; which was read the first time, passed and sent to the house of representatives.

Mr. Preston moved for, and obtained leave of absence until Monday next.

House adjourned until to-morrow morning 9 o'clock.

FRIDAY, November 6th, 1807.

The house met according to adjournment.

Mr. Perkins moved for leave and presented a bill for the relief of William McKee ; which was read the first time, passed and sent to the house of representatives.

Mr. Russell presented the account of James Gordon, relative to sundry articles furnished by him for the use of

the legislature while sitting at Kingston; which was read, referred to the committee of claims, and sent to the house of representatives.

The House adjourned until to-morrow 9 o'clock.

SATURDAY, November 7th, 1807

House met according to adjournment.

Mr. White from the committee who have under consideration the late land law of this state, reported a bill to amend an act entitled "an act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the *bona-fide* claims against the same, agreeable to an act of congress passed the 18th day of April 1806, entitled "an act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," and to point out the mode hereafter to be pursued in ascertaining the unsatisfied claims and in perfecting titles on the same; which was read the first time, passed and sent to the house of representatives.

Mr. Perkins from the committee of propositions and grievances, presented the following reports, which were each signed by him as chairman of said committee, to wit:

That the petition of sundry citizens of the Caney-Fork, praying that a law may be passed relative to the navigation of said river.

The petition of Hugh Kennedy and Elianor his wife, praying to be divorced.

The petition of sundry citizens of Wilson county, praying that said county may be re-annexed to Winchester district.

The petition of Elihu Embree, praying to be divorced from his wife Annis. And the petition of sundry citizens of White county, praying that said county may be divided into two separate and distinct counties, are reasonable and ought to be granted.

That the petition of sundry citizens of Jefferson county, praying to be annexed to the county of Hawkins, is unreasonable and ought not to be granted; which reports were severally read, concurred with, and sent to the house of representatives.

Received from the house of representatives, a bill supplemental to an act appointing commissioners to contract for the building and erecting a new district and county jail in the town of Nashville on the bluff of Cumberland river near the water, and for other purposes ; which was read the second time, passed and sent to the house of representatives.

Also, a bill to compel absconding debtors to give security, and to extend the execution of process in certain cases ; which was read, and on motion of Mr. Humphreys, ordered to lie on the table until Wednesday next.

Also, a bill making full and complete compensation to Major Robert King for services rendered in viewing, laying out, and making a road from the lower settlements of Washington district, to Nashville in Mero district ; which was read the third time, amended, passed and sent to the house of representatives.

House adjourned until 3 o'clock.

The house met according to adjournment.

Received from the house of representatives, a message accompanied by a resolution, that the bill reported by the land committee be printed, and that two copies of the same be furnished to each member of this general assembly, and that a joint committee be appointed to contract for the printing of the same in the most speedy manner, and informing this house, that they have appointed Messrs. Dardis and Williamson as a committee on their part to act with such gentlemen as this house shall think proper to appoint ; which resolution was concurred with, Mr. Russell appointed as a committee on the part of this house to act with the above named gentlemen, and a message sent informing the house of representatives thereof.

Mr. White from the committee of enrolments, reported the following bills correctly engrossed to wit :

An act to authorise the collector of taxes in the county of Smith to collect the arrearages of taxes due within the bounds of Smith county before it was reduced to its constitutional limits.

An act to authorise a separate election in the county of Greene.

An act to establish the line between the counties of

Roane and Anderson, as run by Jesse Roysdon and marked by John M' Amy.

An act for the regulation of the town of Jefferson in Rutherford county.

An act to establish the bounds of Anderson county and the bounds of Campbell county.

An act for the establishment and regulation of a town to be laid off in Overton county by the name of Munroe.

An act to authorise the county court of Dixon to lay an additional tax for the purpose of completing the public buildings in said county.

An act to amend the law now in force relative to holding elections in the district composed of the counties of Roane and Anderson.

An act to exonerate James King from a forfeited recognizance.

An act authorising the county court of Sumner to grant to David Dement and John Chapman certain privileges therein mentioned.

An act to give names to the illegitimate children of Samuel Mitchell, and make them capable of inheriting.

And, an act respecting George Dawson Blackmore. Which were received, signed by the speaker of this house and sent to the house of representatives.

Received from the house of representatives, the claim of Jacob Jones for tables, &c. furnished the general assembly while sitting at Kingston: which was read and referred to the committee of claims.

House adjourned until Monday ten o'clock.

MONDAY, November 9th, 1807.

The house met according to adjournment.

Mr. Russell from the committee appointed to contract for the printing of the land bill, reported, that they had contracted with George Wilson for printing the same against Friday evening next.

Mr. Perkins from the committee of propositions, made the following reports, to wit:

That the petition of Polly Hall *alias* Philipson, praying to be divorced from her husband John Philipson, is reasonable and ought to be granted. And that the petition of sundry citizens of Elk river, praying the legislature to

fix their infant settlement, is unreasonable, and ought not to be granted; which were read, concurred with, and sent to the house of representatives.

Received from the house of representatives, a bill concerning mills; which was read the first time, passed and sent to the house of representatives.

Also, a bill to authorise a separate election in Wilson county: which was read the second time, passed and sent to the house of representatives.

Also, a bill for the relief of William M'Key; which was read the second time, passed and sent to the house of representatives.

Also, a bill supplementary to an act entitled "an act for the better establishment and regulation of the militia of this state," passed at Knoxville on the 5th of November 1803; which was read, and on motion of Mr. Humphreys, ordered to lie on the table.

Also, a bill to appoint commissioners and to vest them with power to sell the public lot and jail in front of the court-house in Rogersville, and for other purposes therein mentioned; which was read the third and last time, and ordered to be engrossed.

Also, a bill authorising a separate general muster in Smith county; which was read the first time, passed and sent to the house of representatives.

Also, a bill to divorce certain persons therein mentioned; which was read the first time, passed and sent to the house of representatives.

Also, a bill for the regulation of the town of Clarksville; which was read the third time, amended, passed and sent to the house of representatives.

Also, a bill to compel clerks to account for and pay into the treasury all the public monies by them received, and to pay over to plaintiffs and others, monies by them received as clerks; which was read the first time, amended, passed and sent to the house of representatives.

Also, a bill to divide the county of White into two separate & distinct counties; which was read the first time, passed and sent to the house of representatives.

Also, a bill declaring what fences shall be deemed sufficient, and for other purposes; which was read the first

time, passed and sent to the house of representatives.

Also, a bill concerning ferries and ferry landings : which was read the third and last time, passed and ordered to be engrossed.

Also, a bill to prevent sheriffs, coroners and constables from taking undue advantages in selling property under execution ; which was read the third and last time, passed and ordered to be engrossed.

On motion of Mr. White, a bill to authorise the appointment of two attorneys general for the state, and to ascertain their salaries ; was taken up, read the third time, amended, passed and sent to the house of representatives.

The house adjourned until 3 o'clock.

The house met according to adjournment.

Mr. Russell moved for leave and introduced a bill to authorise the election of commissioners for the regulation of the town of Greeneville ; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill to authorise Elizabeth Spurgin and George Webb, to make a deed of conveyance to Thomas Cox ; which was read the first time, passed and sent to the house of representatives.

Also, a bill for the regulation of the town of Maryville ; which was read the third time, passed and sent to the house of representatives.

On motion of Mr. White, the name of Mr. Douglass was stricken from the committee of claims, and that of Mr. Weakley substituted in room thereof. A message was sent to the house of representatives informing them thereof.

Received from the house of representatives, a message informing this house that they had taken up for the third and last reading, a bill to amend an act entitled " an act to establish academies in the several counties in this state, and for the appointment of trustees thereof," and proposing to amend the same in the latter part of the first section, by inserting the following words : " Thomas Swan, Plummer Willis, Isaac Dorch, Joseph Washington and James Sawyers, trustees of the Liberty Academy in the in the county of Robertson.

Reverend Isaac Anderson, Samuel G. Ramsey, Robert Houston, Francis A. Ramsey and John Sawyers, trustees of Hamden Sidney Academy, in the county of Knox,

Mathaniel B. Buchingham and William Mitchell, trustees of the Nancy Academy, in the county of Sevier,—

And, George Gillispie, Nathen Aiken and Allen Gillispie, trustees of Martin Academy, in the county of Washington ; and the trustees of said academy be required to hold their first meeting at Jonesborough on the first Monday of April next ;” and requesting this house, if said amendments were agreed to, to send two of its members to see them made ; which message was concurred with. Messrs. White and Weakley appointed to see said amendments made, and a message sent informing the house of representatives thereof.

Received from the house of representatives, the petition of sundry citizens of the counties of Washington and Carter, praying that the navigation of Watagua river may not be obstructed by fish-traps, &c. which was read and referred to the committee of propositions and grievances.

Mr. Humpreys offered the following resolution, which was adopted, to wit :

Whereas a number of persons have made entries, and a part of them have obtained grants thereon, for land lying within the congressional reservation, and to which the claim of the Indians has been extinguished, and no mode having been heretofore prescribed by any act or acts of congress by which the persons situated as above described, can obtain complete titles to their lands, or obtain possession of them : Therefore,

Resolved by the senate and house of representatives of the state of Tennessee, That the senators and members of the house of representatives in congress from this state, be requested to use their endeavors that provision be made enabling persons situated as above, to obtain complete titles to, and possession of their lands ; and that the governor of this state forward copies of this resolution to the senators and members of congress from this state respectively.

House adjourned until to-morrow nine o'clock.

TUESDAY, November 10, 1807.

House met according to adjournment.

Mr. White from the land committee, reported a bill for the relief of Christopher Haynes, and the other persons therein named ; which was read the first time, passed and sent to the house of representatives.

Also, the following report, to wit :

The committee to whom was referred the consideration of the late land law, beg leave to report, that they have had the same and all the papers to them referred. under consideration, and having reported by bills, recommend the adoption of the following resolution :

Resolved, that every person who filed any petition accompanied with any papers or documents to the present general assembly, for the purpose of obtaining relief relative to land claims, be permitted to withdraw all such papers and documents ; which report was read, concurred with and sent to the house of representatives.

On motion of Mr. Weakley, a bill to incorporate a banking association by the name of the Nashville Bank ; was taken up, read the second time, passed and sent to the house of representatives.

Received from the house of representatives, a bill to amend an act entitled " an act for appointing commissioners to superintend the opening and keeping in repair that part of the road leading from Virginia to North-Carolina and Kentucky, which lies betwixt the Cross-Roads at the place called Beans' Station in Grainger county, to the ford of Sycamore creek in Claiborne county," passed at Knoxville, November 2nd 1805 ; which was read, amended, and on motion of Mr. Lea, ordered to lie on the table.

A bill regulating costs in criminal prosecutions ; was taken up, read the second time, amended, passed and sent to the house of representatives.

The house adjourned until three o'clock.

The house met according to adjournment.

Mr. White presented the claim of George Wilson for services by him rendered in doing sundry printing, &c. for the use of the state ; which was read, referred to the committee of claims and sent to the house of representatives.

Mr. Walton presented the petition of Jesse Johnson,

stating that he had lost a duplicate warrant which was issued by the board of commissioners for West-Tennessee and praying relief to be granted him in the premises, &c. which was read, referred to the land committee and sent to the house of representatives.

On motion of Mr. White, the turn-pike bill was taken up, read the second time, passed and sent to the house of representatives.

Received from the house of representatives, a message stating that they had taken up for the third and last reading a bill to authorise the appointment of two attorneys general for the state, and to ascertain their salaries; and proposing to amend the same, by striking out the following words in the third section, to wit: "Forty-five dollars for each and every superior court they may attend in compliance with this act, and in full compensation for all further services as required by the second section of this act;" and inserting in the room thereof, the following words, to wit: "One hundred and seventy-five dollars per year;" and requesting this house, if said amendment was agreed to, to send two of its body to see it made, which message was non-concurred with, and a message sent informing the house of representatives thereof.

Received from the house of representatives, a message concurring with this house in striking Mr. Douglass from the committee of claims, and substituting Mr. Weakley in his room.

Also, the petition of James M'Mahon, register of Sevier county, praying to be permitted to keep his office at his own house, which is not more than one hundred and seventy yards from the court-house of said county; which was read and referred to the committee of propositions and grievances.

Also, a message concurring with the resolution by this house adopted, that the senators and members of the house of representatives in congress from this state, be requested to use their endeavors that provision be made enabling persons who have made entries on land lying within the congressional reservation, to obtain complete titles to, and possession of their land; and that the governor of this

late forward copies of this resolution to our senators and representatives in congress.

On motion of Mr. Wilkinson, a bill to amend the law regulating contracts in particular cases; was taken up, read the third time, passed and sent to the house of representatives. And on the passage of which, Mr. White moved for the yeas and nays, which were as follow :

Yeas—Messrs. Preston, Weakley, Russell, Doherty, Wilkinson and Tipton.

Nays—Messrs. Lea, Walton, White, Humphreys and Perkins.

Mr White moved for and obtained leave to enter his reasons for his vote against the passage of the above named bill, which are as follow :

Some of the reasons why I voted against the bill to regulate contracts in particular cases, are,

First, the second section authorises a single justice of the peace to assess damages without the intervention of a jury; at the time the constitution was framed, the laws in force did not authorise a single justice to assess damages in any case, but the assessment of damages belonged exclusively to a jury; the said second section, is therefore inconsistent with the provision of the constitution, which says, the right of trial by jury shall remain inviolate.

Second, if the said section was not unconstitutional, it is impolitic, because it compels justices of the peace in many cases to decide on the credibility of witnesses, and to decide such a multiplicity of litigated points, that he will very frequently err in his judgment. and before the same can be tried before a jury, any defendant who may wish to appeal, must to obtain such appeal, give security for the sum demanded as well as the cost, which will put it out of the power of defendants in indigent circumstances in many cases, to obtain any trial of their causes by a jury.

H. L. White.

Messrs. Russell and Weakley, moved for and obtained leave to enter their reasons for voting in favor of the passage of the above mentioned bill, which are as follow :

We the undersigned, voted in favor of the passage of the bill entitled "a bill to amend the law regulating contracts in particular cases,"

Because we conceive that said bill would have a tendency to bring justice home to the door of the poor and indigent and lighten costs on both parties, they having it in their power to have a speedy trial before a justice of the peace, from whose judgment either party thereby aggrieved, will still have the right of appeal to the county court, and by this means bring their suits into court if necessary, with less expence than by original writ, and if security has to be given on such appeal for the amount of debt and costs, it is no more than would have to be done on original process, and of course no oppression on this ground; again, should it be required that all suits brought for the payment of notes given for property, where the demand is under fifty dollars in the county courts, it would produce a delay of payment and multiplication of costs that will be superceded in all cases, when the judgment of the magistrate is acquiesced in by the parties litigent, which will probably be the result in nineteen instances out of twenty. It is true that the 6th clause in the declaration of rights, is in the following words, to wit: "That the right of trial by jury shall remain inviolate," but we never will belief that the bill works any infraction of this constitutional privilege, until it can be shewn either directly or indirectly, wherein this right is withheld, while either party has the right of appeal.

J. Russell, R. Weakley.

On motion of Mr. Tipton, a bill concerning pedlars and hawkers; was taken up, and on motion of Mr. Russell, ordered to lie on the table.

A bill supplemental to an act entitled "an act to encourage the building of Iron-works in this state," passed at Fayetteville, in the year 1788; was taken up, and on motion, withdrawn by Mr. Russell for amendment.

Mr. Walton moved for leave and presented a bill to add Wilson county to the district of Winchester; which was read the first time, passed and sent to the house of representatives.

Mr. Preston moved for leave and withdrew for consideration, a bill to reduce Boone county to her constitutional limits, and to form two new and distinct counties south west of the same.

The house adjourned until to-morrow nine o'clock.

WEDNESDAY, November 11, 1807.

The house met according to adjournment.

A bill supplementary to an act entitled "an act for the better establishment and regulation of the militia of this state," passed at Knoxville on the 5th November 1805; was taken up, read, and on motion of Mr. Perkins, withdrawn by him for consideration.

On motion of Mr. Russell, a bill relative to clerks fees; was taken up, read, and on motion of Mr. Wilkinson, referred to a select committee consisting of Messrs. Wilkinson, Perkins and Russell, for the purpose of filling the blanks therein.

A bill to compel absconding debtors to give security, and to extend the execution of process in certain cases; was taken up, read the second time, and rejected.

A bill to reduce Roane county to her constitutional limits, and to form two new and distinct counties, south west of the same; which was withdrawn by Mr. Preston for amendment, was by him returned, read the second time, amended, passed and sent to the house of representatives.

Received from the house of representatives, a remonstrance of the grand jury of Winchester district, recommending to the assembly to fix two separate places of election in the county of Jackson; which was read and referred to the committee of propositions and grievances.

Also, a resolution of sundry citizens of Smith county, relative to giving a single magistrate final jurisdiction with the advantage of a jury of six men, the inconvenience of being obliged to attend general masters at Carthage, docking lawyers fees, &c. which was read and referred to the committee of propositions and grievances.

Also, the petition of a number of the inhabitants of Duck Creek, praying to have a new county laid off, &c. which was read and referred to the committee of propositions and grievances.

Also, the account of the public printer for printing laws, journals, &c. for the year 1806: which was read and referred to the committee of claims.

Also, a bill to appoint commissioners for the regulation of the town of Jacksonburgh, and for other pur-

bill, in the county of Campbell; which was read the first time, passed and sent to the house of representatives.

Also, a bill regulating costs in criminal prosecutions; which was read and on motion of Mr. Humphreys to strike out the proviso in the second section of said bill, which is as follows: "Provided, that nothing herein contained shall be so construed, as to prohibit the court from taxing the costs of trial against the defendant, when there exists a strong presumption of his guilt, notwithstanding he may have been acquitted by the jury;" a message was sent to the house of representatives informing them that this house had taken up for the third and last reading, the above named bill, and propose amending the same, by striking out the proviso as above stated, and requesting them, if said amendment was agreed to, to send two of their body to see the same made.

The house adjourned until to-morrow nine o'clock.

THURSDAY, November 12th, 1807.

The house met according to adjournment.

Mr. Russell who withdrew for amendment, a bill supplemental to an act entitled "an act to encourage the building of Iron-works in this state," passed at Fayetteville in the year 1788; returned the same with several proposed amendments, which were received; the said bill was then read a second time, amended, passed and sent to the house of representatives.

Received from the house of representatives, a bill supplemental to an act appointing commissioners to contract for the building and erecting a new district and county jail in the town of Nashville on the bluff of Cumberland river near to water, and for other purposes; which was read the third and last time, passed and ordered to be engrossed.

Also, a bill to divide the county of White into two separate and distinct counties; which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill supplemental to an act entitled "an act for the appointment of a register of the land office, and providing for the sale of lands south of Holston and French Broad, agreeably to the constitution of this state and the

provisions of the act of congress therein referred to ; which was read the first time, passed and sent to the house of representatives.

Also, a bill supplemental to an act entitled " an act for appointing commissioners to superintend the opening and keeping in repair that part of the road leading from Virginia to North-Carolina and Kentucky, which lies betwixt the Cross-Roads at the place called Bean's Station in Grainger county, to the ford of Sycamore creek in Claiborne county," passed at Knoxville, November 2nd 1805 ; which was read the third and last time, passed and ordered to be engrossed.

Also, a bill authorising a separate general muster in Smith county ; which was read the second time, passed and sent to the house of representatives.

Also, a bill to prevent the exportation of unmerchanta-ble cotton ; which was read, and on motion of Mr. Weakley, ordered to lie on the table.

Also, a bill to add Wilson county to the district of Winchester ; which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill declaring what fences shall be deemed sufficient, and for other purposes ; which was read the second time, passed and sent to the house of representatives.

Also, a bill to authorise Elizabeth Spurgen administratrix and George Webb administrator of the estate of John Spurgen late of Sullivan county deceased, to make a deed of conveyance to Thomas Cox ; which was read and on motion of Mr. White, ordered to lie on the table.

Also, a bill to divorce certain persons therein mentioned ; which was read and, on motion of Mr. Russell, ordered to lie on the table.

Also, a bill to authorise the election of commissioners for the regulation of the town of Greeneville ; which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill to authorise a separate election in Wilson county ; which was read the third and last time, passed and ordered to be engrossed.

Also, a bill to direct the duty of the clerks and sheriffs

in certain cases therein mentioned ; which was read, and ordered to lie on the table.

Also, a bill for the relief of William M'Key ; which was read the third time, amended, passed and sent to the house of representatives.

The house adjourned until three o'clock.

The house met according to adjournment.

Mr. Walton moved for leave and introduced a bill to prevent any person or persons from erecting any works on the Caney-Fork, that will have a tendency to obstruct the navigation of said river ; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill for the relief of Christopher Haynes and the other persons therein named ; which was read the second time, amended, passed and sent to the house of representatives.

Also, a message non-concurring with the amendments by this house proposed to a bill regulating costs in criminal prosecutions. The said bill was then read the third and last time, passed and ordered to be engrossed.

The house adjourned until to-morrow 9 o'clock.

FRIDAY, November 13th, 1807:

The house met according to adjournment.

On motion of Mr. Weakley, a bill to prevent the exportation of unmerchantable cotton, was taken up, and thereupon it was ordered, that the clerk engross the same for a second reading.

Mr. Weakley from the committee of claims presented the following report, which was signed by him as chairman of said committee, to wit :

That the claim of William Maclin late secretary, for postage, stationary, &c. is reasonable, and that he is entitled to the sum of 108 dollars 9 cents, for monies by him disbursed ; which was read, concurred with, and sent to house of representatives.

Mr. Wilkinson presented a bill making provision for the extinguishment of the Indian claim to lands within the limits of this state ; which was read the first time, passed and sent to the house of representatives.

Mr. Perkins from the committee of propositions and

grievances, presented the following reports, which were each signed by him as chairman of said committee, to wit:

That the petition of sundry citizens of Sequatchy Valley, praying for a new county.

The petition of Benjamin White and Robert Nail, praying that commissioners may be appointed to view the stage road, and that the overseers be subjected to certain penalties for failing to keep the road in repair, recoverable before a justice of the peace.

And, that the petition of James M'Mahon, register of Sevier county, praying to be permitted to keep the register's office at his own house, which is about one hundred and seventy yards from the court-house; are reasonable and ought to be granted.

That the petition of B. Fotten, praying that a law might be passed making appropriation to clerks and sheriffs for lands reported for taxation, the sale of which, did not amount to the taxes due thereon; is unreasonable and should not be granted; which reports were severally read, concurred with, and sent to the house of representatives.

Mr. Humphreys presented a resolution, that the governor be requested to lay before the legislature all documents and other information in his possession or power, relative to the negotiation between this state and the state of Kentucky, heretofore carried on, for the purpose of ascertaining, running and marking the true line between the two states; and that said documents and information, be presented to the present assembly as speedily as possible, to the end, that measures be taken to effect the above desirable object; which resolution was adopted, and a message sent informing the house of representative thereof, and asking their concurrence.

Received from the house of representatives, a message concurring with the above resolution.

Mr. White presented a bill directing the mode of compelling collectors, holders or receivers of county taxes, to account for, and pay the same; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill to provide for separate elections in the county of Sumner;

which was read the first time, passed and ordered to be engrossed.

Also, a bill supplemental to an act entitled "an act to encourage the building of Iron works in this state," passed at Fayetteville in the year 1788 ; which was read the third time, passed and sent to the house of representatives.

A bill to establish a banking association in the town of Nashville ; was taken up, and on motion of Mr. Weakley, it was agreed to strike out the name of Joseph Coleman, and reinstate that of George Poyzer in room thereof in the second article of said bill ; whereupon a message was sent to the house of representatives informing them thereof, and requesting them, should they agree to said amendment, to send two of their body to see it made.

Received from the house of representatives, a message concurring with the amendment proposed by this house to the above named bill, and informing this house that they had appointed Messrs. Trimble and White, to see the same made ; said bill was then amended, and on motion of Mr. Humphreys, ordered to lie on the table until to-morrow.

Received from the house of representatives, a message informing this house that they had taken up for the third and last reading, a bill to reduce the county of Williamson to its constitutional limits, and proposing the following amendments, to wit : to strike out the name Columbia, and re-instate that of Murray in its room : also, to strike out ' lots of said town,' in the fourth section of said bill as being superfluous ; also by striking out the word July, in the 12th section, as being the time appointed for holding an election for field officers of the militia, for the purpose of inserting March in its room ; and also, to strike out the word Commerce, the present name of said town, for the purpose of inserting Columbia, in the room thereof ; also, by adding two new sections to said bill, which sections are as follow :

Sec. 14. Be it enacted, that the militia of said county of Maury, shall constitute the 27th regiment of the militia of this state.

Sec. 15. Be it enacted, that James Gibson be, and he is hereby appointed to run and mark the dividing line be-

tween said county of Williamson and Maury, for which service he shall be allowed the sum of two dollars per day, and it shall be the duty of the said James Gibson, to employ two chain-carriers and one marker, who shall be entitled to receive the sum of one dollar per day each, while engaged in said service; said surveyor, chain carriers and markers to be paid in equal proportions by said counties of Williamson and Maury. Which message was concurred with by this house, messrs. Russell and Perkins appointed to see the amendments made, and a message sent informing the house of representatives thereof.

Received from the house of representatives, a bill authorising a separate general muster in Smith county; which was read the third and last time, passed and ordered to be engrossed.

Also, a bill authorising the election of commissioners for the regulation of the town of Greeneville; which was read the third time, passed and sent to the house of representatives.

Also, a message informing this house that they had taken up for the third and last reading, a bill to reduce the county of Williamson to its constitutional limits, and proposing to amend the same by striking out the name of Gibson as surveyor thereof, and insert in its room the name of Gideon, and requesting this house, if said amendment was agreed to, to send two of its body to see it made; which message was concurred with, messrs. Russell and Perkins appointed to see the amendment made, and a message sent informing the house of representatives thereof.

The house adjourned until 3 o'clock.

The house met according to adjournment.

Received from the house of representatives, a bill appointing additional commissioners, and for regulating the town of Newport in the county of Cocke; which was read the first time, passed and sent to the house of representatives.

Also, a bill to authorise James M^h Mahon register of Sevier county, to keep his office at his own house; which was read the first time, passed and sent to the house of representatives.

Also, a bill to appoint additional commissioners for Jacksborough ; which was read, and on motion of Mr. Wilkinson, ordered to lie on the table.

The house adjourned until to-morrow nine o'clock.

SATURDAY, November 14th, 1807.

The house met according to adjournment.

A bill to prevent the exportation of unmerchantable cotton ; which was ordered to be engrossed by the clerk, was by him returned engrossed ; said bill was then read the second time, amended, passed and sent to the house of representatives.

Received from the house of representatives, a message informing this house that they had taken up for the third and last reading, a bill supplemental to an act entitled " an act to encourage the building of Iron-works in this state," passed at Fayetteville in the year 1788 ; and proposing to amend the same, by striking out the following words in the last section of said bill, " on condition that he, she or they, repay to the owner of such Iron-works, the amount of the verdict of the jury aforesaid," and by adding the following words to the first section, immediately after the words " good and wholesome water," these words " nor where the water overflowing said land, shall endanger the health of any family or families," and requesting this house should they agree to said amendments, to send two of its body to see the same made ; which message was ordered to lie on the table for consideration.

Mr. Russell offered the following resolution to wit :

Resolved, that no member shall be at liberty to introduce a bill after Thursday next, for the purpose of having the same passed into a law ; which was read and ordered to lie on the table.

Received from the house of representatives, a petition of the citizens of Elk river, praying to have a new county laid off, and recommending certain persons as proper characters to be appointed justices of the peace, &c. which was read and referred to the committee of propositions and grievances.

Also, a bill for the relief of certain persons claiming military lands ; which was read the second time, passed and sent to the house of representatives.

Also, a bill making provision for the extinguishment of the Indian claim to lands within the limits of this state ; which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill concerning justices of the peace ; which was read the first time, passed and sent to the house of representatives.

Also, a bill supplemental to an act entitled " an act for the appointment of a register of the land office, and providing for the sale of the lands south of Holston and French Broad, agreeable to the constitution of this state, and the provisions of the act of congress therein referred to ;" which was read, and on motion of Mr. Wilkinson; said bill was referred to a select committee, consisting of messrs. Perkins, Tipton and Wilkinson.

Also, a bill supplemental to an act entitled " an act to establish a college in East-Tennessee ;" which was read the first time, passed and sent to the house of representatives.

Mr. Perkins who withdrew for amendment, a bill supplementary to an act entitled " an act for the better establishment and regulation of the militia of this state," passed at Knoxville on the fifth of November 1803, returned the same.

Mr. Humphreys moved for and obtained leave to enter his reasons for voting against the passage of the bill to amend the law regulating contracts in particular cases, which are as follow :

The second section of this bill authorises a justice of the peace to assess damages for the breach of a contract, this delegation of power, I deem an infraction of the constitution ; the fourth section of the 10th article of the constitution is in these words ; " The declaration of rights, hereto annexed, is declared to be a part of the constitution, and shall never be violated on any pretence whatever ; and to guard against transgressions of the high power we have delegated, we declare that every thing in the bill of rights contained, and every other right not hereby delegated, is excepted out of the general powers of government, and shall forever remain inviolate." The obvious meaning of this section to my understanding, is, that every ci-

citizen of the state, should have the privilege of enjoying the rights secured to him by the declaration of rights annexed to the constitution, in the same latitude and in the full extent that he enjoyed them at the formation of the constitution ; that those rights so secured, were especially excepted out of the powers of government, and government cannot without usurpation, interfere with them ; among the rights secured to the citizens, is the trial by jury, the words of the constitution are these : " The right of trial by jury shall remain inviolate." Then the right of trial by jury, as each citizen enjoyed it at the time the constitution was adopted, is excepted out of the powers of government, and is not to be violated on any pretence whatever ; at the formation of the constitution, damages for a breach of contract, could not be assessed against any man, except by a jury of his country ; by the above mentioned bill, damages may be assessed against a citizen, his property taken and destroyed without the intervention of a jury, and by the judgment of one fallible man. But we are told, that the party injured, may appeal if he thinks proper, and then can have a trial by jury. I answer, if the law would be unconstitutional without, granting the power of appeal, granting that power can make it no better ; for the law at the time the constitution was formed did not require any act to be done by a defendant, in order to entitle himself to a trial by jury ; the bill makes an act necessary to be done by him before he can obtain it, viz the act of appealing and giving bond and security ; this places the trial by jury at a greater distance from him, makes it more inaccessible, and on a different footing, and is consequently, a violation of his right ; but further, this bill will operate a total privation of the right to some individuals, that is to say, to such persons as from indigence are unable to give personal security for the debt claimed, and costs, whose rights under the constitution are as sacred as those of the legislative body who pass the law to deprive them of those rights. We may possibly be told that if an original writ from a court of justice was executed upon a defendant, he would be bound to give security, therefore is in no worse situation under the provisions of this bill ; security upon an original writ, would only be for

appearance, and many persons can give security for their appearance, whose situation in life will not justify them in becoming their security for the absolute payment of a sum of money; but suppose a person is unable to give bail to the original writ, he is not therefore deprived of a trial by jury, on the contrary, although his body be imprisoned, as fair and impartial an investigation of his case is had before a jury of his peers, as if he were at large. In order to prove that the bill does not violate the constitution, we are informed that it is convenient to the people to have a speedy decision of their disputes. Are arguments of convenience or inconvenience to be resorted to, or admissible in the construction of a clause in the constitution; is the most invaluable privilege of the citizen secured to him by the declaration of right, to be disregarded, because it is inconvenient to adhere to it; I think not. I think the trial by jury is the birth right of every citizen, and that it cannot be taken from him in any case whatever, and who' some trivial inconvenience may result from that mode of trial, yet am I unwilling to violate it in the smallest particular, knowing that it is the only security which the citizen has against oppression and arbitrary government.

P. W. HUMPHREYS.

Mr. Perkins from the committee of propositions and grievances, made the following reports, to wit:

That the petition of sundry inhabitants of Williamson county, praying that they may have a new county laid off, is unreasonable.

That the petition of sundry inhabitants of Duck river, in the south part of Dixon county, praying to have a new county laid off, is reasonable; which reports were read, concurred with, and sent to the house of representatives.

The house adjourned until Monday 9 o'clock.

MONDAY, November 16th, 1807.

House met according to adjournment.

Mr. White from the committee of enrolments, reported the following bill correctly engrossed, to wit:

An act to reduce Williamson county to constitutional limits, and to form a new county on the south and south west of the same; which was signed by the speaker of this house, and sent to the house of representatives.

Mr. Preston moved for leave and introduced a bill providing for the election of commissioners in the town of Kingston, and for other purposes ; which was read the first time, passed and sent to the house of representatives.

On motion of Mr. Weakley, a bill to incorporate a banking association by the name of the Nashville Bank ; was taken up, read the third and last-time, passed and ordered to be engrossed.

Mr. Walton presented a memorial of the judges of the superior courts of law, &c. and others, attorneys, relative to the altering the time of holding courts in the districts and counties in this state ; which was read, referred to the committee of the judicial system, and sent to the house of representatives.

Received from the house of representatives, a bill to form and establish a new county south and east of the counties of Warren and Bedford ; which was read the first time, passed and sent to the house of representatives.

Also, a bill authorising the county court of Smith to lay a tax for the relief, of William Bartlett ; which was read the first time, passed and sent to the house of representatives.

Mr. Walton presented a bill to amend an act entitled " an act to prevent the exportation of unmerchable commodities," passed November 14th 1805 ; and also, to amend an act entitled " an act for the inspection of tobacco," passed October 20th, 1799 ; which was read the first time, passed & sent to the house of representatives.

Mr. White from the committee of enrolments, reported the following bill correctly engrossed, to wit :

An act supplemental to an act appointing commissioners to contract for the building and erecting a new district and county jail in the town of Nashville on the bluff of Cumberland river near to water, and for other purposes ; which was then signed by the speaker of this house, and sent to the house of representatives.

Mr. Humphreys presented a bill to establish the permanent seat of justice in the county of Stuart ; which was read the first time, passed and sent to the house of representatives.

Mr. Perkins from the committee of propositions and

Advances, reported, that the resolution of a committee of Smith county, relative to elections, &c. is reasonable so far as it respects separate elections; which was read, concurred with and sent to the house of representatives. House adjourned until 3 o'clock.

The house met according to adjournment.

Received from the house of representatives, a bill directing the mode of compelling collectors, holders or receivers of county taxes, to account for and pay the same; which was read the second time, amended, passed and sent to the house of representatives.

Mr. White from the committee of enrolments, reported, a bill to authorize the appointment of two attorneys general for the state, and to ascertain their salaries; correctly engrossed; which was then signed by the speaker of this house, and sent to the house of representatives.

Received from the house of representatives, a message proposing to meet this house in the representatives chamber this evening at 5 o'clock, for the purpose of going into the election of one attorney general for West-Tennessee and one attorney general for East-Tennessee, and naming Messrs. Bradley and Williamson, on their part, to superintend the balloting; which was concurred with, Messrs. White and Weakley, appointed to superintend the balloting on the part of this house. George W. L. Marr, Esq. nominated as a candidate for that appointment in West-Tennessee, and John F. Jack, Esq. nominated as a candidate for that appointment for East-Tennessee; and a message sent informing the house of representatives thereof.

The speaker and gentlemen of the senate repaired to the representatives chamber for the above mentioned purpose; George W. L. Marr being put in nomination, the two houses proceeded to elect an attorney general for West-Tennessee; on counting out the ballots it was found that he had thirty three votes. The houses then proceeded to the appointment of an attorney-general for East-Tennessee; John F. Jack being previously put in nomination as a candidate; when on counting out the ballots it was found that he had twenty nine votes. Whereupon the speaker of the senate in presence of both houses,

declared George W. L. Marr, duly and constitutionally elected attorney-general for West Tennessee, and John F. Jack, was duly and constitutionally elected attorney-general for East Tennessee.

The speaker and gentlemen of the senate then repaired to the senate chamber.

House adjourned until to-morrow morning 9 o'clock.

TUESDAY, November 17th, 1807.

The house met according to adjournment.

Mr. Russell introduced a bill to authorise James Pearson to erect a ware-house on Nolichucky river on his own land at the mouth of Richland creek in Greene county, which was read the first time, passed and sent to the house of representatives.

Mr. Weakley introduced a bill to amend an act entitled "an act to amend the law in force and use concerning free negroes, mulattoes and slaves," passed the 13th day of September 1806; which was read the first time, passed and sent to the house of representatives.

Mr. White introduced a bill to amend an act entitled "an act to ascertain what property in this state shall be deemed taxable, and the mode of collecting, accounting for, and paying the public taxes," passed at Knoxville the seventh day of November 1803.

Also, a bill to exempt certain lands from taxation which were each read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill to appoint additional commissioners for the regulation of the town of Jacksborough, and for other purposes in the county of Campbell; which was read the second time, amended, passed & sent to the house of representatives.

Mr. Walton introduced a bill authorising a separate election and general muster in the south end of Smith county; which was read the first time, passed and sent to the house of representatives.

Mr. M'Minn presented the petition of Sarah Leister of Sullivan county, in behalf of herself, a daughter Sarah Hamilton, praying to be compensated for the irate and perjury as witnesses in the suit the state against Billy; which was

ed, referred to the committee of propositions and grievances and sent to the house of representatives.

Received from the house of representatives, a bill to compel clerks to account for, and pay into the treasury, public monies by them received, and to pay over to plaintiffs and others, monies by them received as clerks ; which was read, and ordered to lie on the table for consideration.

Also, a bill to prevent any person or persons from erecting any works on the Caney-Fork, that will have a tendency to obstruct the navigation of said river ; which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill for the relief of persons who have not had their deeds, grants, mesne conveyances or bills of sale registered within the time heretofore prescribed by law ; which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill appointing additional commissioners for the regulation of the town of Elizabethton in the county of Carter ; which was read the first time, passed and sent to the house of representatives.

Also, a bill supplemental to an act entitled "an act for the better establishment and regulation of the militia of the state," passed at Knoxville on the 5th of November 1803 ; which was read, and on motion, withdrawn by Mr. Weakley for amendment.

Also, a bill for the public printer to have his accounts liquidated by the secretary of state ; which was read the first time, passed and sent to the house of representatives.

The house adjourned until three o'clock.

The house met according to adjournment.

Received from the house of representatives, a bill to amend an act entitled "an act to prevent the exportation of unmerchable commodities," passed November 14. 1801 ; and also, to amend an act entitled "an act for the inspection of tobacco," passed October 26 1799 ; which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill to fix the seat of justice in the county of Rutherford, at or near the centre thereof, and for other purposes.

poses ; which was read, and on motion, withdrawn by Mr. Perkins for amendment.

Also, a bill to divorce certain persons therein named which was read, amended, and on motion, ordered to lie on the table :

On motion of Mr. White, ordered, that the land bill be the order of the day to-morrow.

House adjourned until to-morrow morning 9 o'clock

WEDNESDAY, November 18th, 1807.

House met according to adjournment.

Received from the house of representatives, a petition of John Khea, relative to an entry made in Carter's office for land south of French Broad and Holston; which was read and referred to the land committee.

Also, the petition of Samuel Y. Balch, surveyor of the sixth district, praying to be compensated for services by him rendered as such ; which was also read and referred to the land committee.

On motion of Mr. Weakly, a bill to amend an act entitled "an act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the *bona-fide* claims against the same, agreeable to an act of congress passed the 18th day of April 1806, entitled "an act to authorise the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," and to point out the mode hereafter to be pursued in ascertaining the unsatisfied claims, and in perfecting titles on the same ; which bill was made the order of this day, was taken up, whereupon the house resolved itself into a committee of the whole on said bill, Mr. Douglass in the chair, and after some time spent therein, Mr. speaker resumed the chair, and Mr. Douglass reported, that the committee had read said bill under consideration, and made progress therein, and asked leave to sit again.

The house adjourned until 3 o'clock P. M.

The house met according to adjournment.

The house again resolved itself into a committee of the whole, upon a bill to amend an act entitled "an act directing the division of the state into convenient districts," &c.

and after some time spent therein, Mr. speaker resumed the chair, and Mr. Douglass reported, that the committee had had said bill under consideration, and made progress therein, and asked leave to sit again.

The House adjourned until to-morrow 9 o'clock.

"THURSDAY, November 19th, 1807.

The house met according to adjournment.

The house then resolved itself into a committee of the whole, Mr. Douglass in the chair, on a bill to amend an act entitled "an act directing the division of the state into convenient districts," &c. and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Douglass reported; that the committee had had said bill under consideration, and made progress therein and asked leave to sit again.

The house adjourned until 3 o'clock, P. M.

The house met according to adjournment.

Mr. Wilkinson from the select committee to whom was referred, a bill supplementary to an act entitled "an act for the appointment of a register of the land office, and providing for the sale of the lands south of Holston and French Broad, agreeable to the constitution of the state, and the provisions of the act of congress therein referred to;" returned said bill without amendment; which was then read, and on motion of Mr. Weakley, ordered to lie on the table.

The house then resolved itself into a committee of the whole, Mr. Douglass in the chair, on a bill to amend an act entitled "an act directing the division of the state into convenient districts," &c. and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Douglass reported, that the committee had had said bill under consideration and made progress therein, and asked leave to sit again.

Received from the house of representatives, a bill to amend an act passed at Knoxville the 6th of September, 1806, entitled "an act for the appointment of a register of the land office, and providing for the sale of the land south of Holston and French Broad, agreeable to the constitution of this state, and the provisions of the act of congress therein referred to."

Also, a bill defining the punishment to be inflicted on persons guilty of the crimes & offences therein mentioned.

Also, a bill respecting the duty of justices of the peace during the sitting of the county courts; which bills were severally read the first time, passed and sent to the house of representatives.

Also, a bill to prevent any person or persons from erecting any works on the Caney-Fork, that will have a tendency to obstruct the navigation of said river: which was read the first time, passed and sent to the house of representatives.

Also, a bill appointing additional commissioners for the regulation of the town of Elizabethton in the county of Carter.

Also, a bill to amend an act entitled "an act to amend the law in force and use concerning free negroes, mulattoes and slaves," passed the 13th day of September 1806.

Also, a bill to provide for separate elections in the county of Sumner; which were severally read the second time, passed and sent to the house of representatives.

Also, a bill to form and establish a new county south and east of the counties of Warren and Bedford; which was read the second time, amended, passed and sent to the house of representatives.

House adjourned until to-morrow nine o'clock.

○ *FRIDAY, November 20th, 1807.*

House met according to adjournment.

Mr. White from the committee of enrolments, reported the following bill correctly engrossed to wit:

An act to amend an act entitled "an act for appointing commissioners to superintend the opening and keeping in repair that part of the road leading from Virginia and North-Carolina, to Kentucky, which lies between the Cross-Roads at the place called Bean's-Station in Grainger county, and the ford of Sycamore creek in Claiborne county," passed at Knoxville, November 2nd 1805; which was signed by the speaker of this house, and sent to the house of representatives.

On motion of Mr. Tipton, a bill to repeal so much of an act passed the 7th day of November 1803, to ascertain what property in this state be deemed taxable, the mode of

collecting, accounting for, and paying public taxes, as respects pedlars and hawkers, was taken up, read the second time, and rejected. The yeas and nays on the passage of said bill, were as follow :

Yeas—messrs. Preston, Weakley, Lea, Doherty, Douglass and Tipton,;

Nays—messrs. Russell, Walton, White, Humphreys, Wilkinson, Perkins and Mr. Speaker.

Received from the house of representatives, a petition of the commissioners of the town of Burville, relative to a mistake which has been made by the surveyor in laying off said town ; which was read, and referred to the committee of propositions and grievances.

Also, the petition of Joseph Horton, praying to be divorced from his wife ; which was read and referred as above.

Also, a resolution, that no bill be received in either house after Saturday next, for the purpose of being passed into a law during the present session ; which was read and ordered to lie on the table.

Also, a message informing this house that they had appointed messrs. Blount and Trimble as a select committee on their part, for the purpose of reporting a bill for the appropriation of monies to the members, clerks and door-keepers of the present general assembly ; and had also appointed messrs. Dardis and Blount, to take under consideration the governor's communication which accompanied said message, and asking the concurrence of this house ; which communication is as follows :

*Mr. Speaker and Gentlemen of the Senate, and
Mr. Speaker, and*

Gentlemen of the House of Representatives,

At the last stated assembly in the year 1805, a law passed authorising commissioners to run a part of the line dividing this state from the state of North-Carolina, and directing the executive to notify the governor thereof, in order that that state might co-operate in the measure. The necessary documents have been long since forwarded, but as yet no answer received. It is intended to immediately forward a duplicate, and should there be no replication consenting to the measure, the executive begs

leave to request your instruction in what manner to proceed.

JOHN SEVIER.

Knoxville, 18th November, 1807.

The message above mentioned, was concurred with, Mr. Weakley appointed as a select committee on the part of this house, to act with the gentlemen above named; for the purpose of reporting a bill for the appropriation of moneys to the members, clerks and door-keepers; and Mr. Humphreys appointed on the part of this house, to act with the gentlemen named in the above message, for the purpose of taking under consideration the governor's communication. A message was sent informing the house of representatives thereof.

Received from the house of representatives, sundry petitions of the inhabitants residing in that tract of country south of French Broad and Holston rivers, &c. praying to be indulged for the payment of the first instalment to be paid for said lands; which were severally read and referred to the committee of propositions and grievances.

Also, a bill appointing additional commissioners for the regulation of the town of Jacksborough, and for other purposes in the county of Campbell; which on motion of Mr. Lea, was withdrawn by him for amendment.

On motion of Mr. Wilkinson, a bill supplemental to an act entitled "an act for the appointment of a register of the land office, and providing for the sale of the lands south of French Broad and Holston, agreeably to the constitution of this state, and the provisions of the act of congress therein referred to;" was taken up, read the second time, amended, passed and sent to the house of representatives.

The house resolved itself into a committee of the whole, on a bill to amend an act entitled "an act directing the division of the state into convenient districts," &c. and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Douglass reported, that the committee had had said bill under consideration; and made progress therein, and asked leave to sit again.

The house adjourned until 3 o'clock: P. M.

The house met according to adjournment.

The house again resolved itself into a committee of the

whole, on a bill to amend an act entitled "an act directing the division of the state into convenient districts," &c. & after some time spent therein, Mr. speaker resumed the chair, and Mr. Douglass reported that the committee, according to order, had had said bill under consideration, and had made sundry amendments thereto, which he delivered in at the clerk's table; whereupon the said bill and amendments, were ordered to lie on the table until to-morrow.

Received from the house of representatives, a bill making provision for the extinguishment of the Indian claim to lands within the limits of this state; which was read, and on motion of Mr. Humphreys, ordered to lie on the table.

Also, a bill authorising two separate elections and general musters in Jackson county.

Also, a bill authorising two separate elections and general musters in Overton county.

Also, a bill pointing out the manner of returning lands for taxation, and how they shall be conveyed when sold for the taxes; which were severally read the first time, passed and sent to the house of representatives.

Also, a bill authorising a separate election and general muster in the south end of Smith county; which was read the second time, passed and sent to the house of representatives.

House adjourned until to-morrow nine o'clock.

SATURDAY, November 21, 1807.

House met according to adjournment.

Mr. Lea who withdrew for amendment, a bill to appoint additional commissioners for the regulation of the town of Jacksborough, and for other purposes, in the county of Campbell, returned the same with the following proposed amendment, from the words "a bill," to wit: by inserting the following words "to amend an act entitled "an act for erecting part of the county of Anderson and part of the county of Claiborne. into a separate and distinct county." passed the 11th day of September 1806.

Whereas the commissioners appointed by the aforesaid act, have omitted to perform the duties thereby enjoined on them: Therefore,

Section 1. Be it enacted by the general assembly of the state of Tennessee, that in lieu of the commissioners heretofore appointed, the following persons be, and they are hereby appointed commissioners to carry the aforesaid act into effect, to wit: Thomas Maury, Robert Glen, Sampson David, John English, John Yaunt, senr. James Rice, and John Newman, and the said commissioners are hereby vested with the same power, priviledges and authority, and shall be subject to the same rules, regulations and restrictions as those appointed by the aforesaid act.

Sec. 2. Be it enacted, that the commissioners hereby appointed, shall have power to purchase or otherwise procure, a tract of land not less than sixty acres, whereon to fix the public buildings, and lay out a town, as contemplated in the aforesaid act; and to reserve in or near the centre of said town, not less than two acres of ground, for the purpose of erecting public buildings thereon.

Sec. 3. Be it enacted, that in case of the death, removal or resignation of any of the commissioners hereby appointed, the vacancy shall be supplied by appointment of the county court of Campbell, provided a majority of the acting justices of said county be present.

Sec. 4. Be it enacted, that all laws and parts of laws coming within the purview and meaning of this, are hereby repealed and declared void." Which amendment was read and received; a message was sent to the house of representatives informing them thereof, and requesting them, should they agree thereto, to send two of their body to see it made.

On motion of Mr. Humphreys, his name was withdrawn from the committee appointed to take under consideration his excellency's communication, relative to the line between this state and North-Carolina, and Mr. Russell, inserted in its room, a message was sent to the house of representatives informing them thereof.

Received from the house of representatives, a message concurring with the last mentioned message of this house.

Mr. Perkins from the committee of propositions and grievances, made the following reports; which were severally read, concurred with and sent to the house of representatives:

That the petition of sundry inhabitants of Elk river, praying to have a new county laid off.

The petition of Sarah Leister, praying compensation for herself and daughter for attending as witnesses in a criminal prosecution.

The petition of the commissioners of the town of Burrville, praying that the lines run by the surveyor in laying off said town, although a mistake was made, may be confirmed. And, the petition of sundry citizens of Blount county, praying farther indulgence for paying the first instalment ; are reasonable.

That the petition of Joseph Horton, praying to be divorced from his wife Sally ; is unreasonable.

Received from the house of representatives, a message informing this house that they had stricken the names of Messrs. Dardis and Blount from the committee appointed to take under consideration his excellency's communication, relative to the line between this state and North-Carolina, and had appointed Messrs. Lillard and Mitchell, in their room ; which message was concurred with, and a message sent informing the house of representatives thereof.

Received from the house of representatives, a bill supplemental to an act entitled " an act for the appointment of a register of the land office, and providing for the sale of the lands south of Holston and French-Broad, agreeable to the constitution of this state, and the provisions of the act of congress therein referred to ;" which was read the third and last time, passed and ordered to be engrossed.

Also, a bill to reduce Roane county to constitutional limits, and to form two new and distinct counties, south west of the same : which was read the third time, passed and sent to the house of representatives.

Also, a bill to establish the permanent seat of justice in the county of Stuart ; which was read the second time, passed and sent to the house of representatives.

According to order, a bill to amend an act entitled " an act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the *bona-fide* claims against the same, agreeable to an act of congress passed the eighteenth day

of April 1896, entitled "an act to authorise the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," and to point out the mode hereafter to be pursued in ascertaining the unsatisfied claims, and in perfecting titles on the same; was taken up, and progressed therein as far as the eight section.

The house then adjourned until three o'clock.

The house met according to adjournment.

Mr. White from the committee of enrolments, reported the following bill correctly engrossed, to wit:

An act supplemental to an act entitled "an act for the appointment of a register of the land office, and providing for the sale of the lands south of Holston and French Broad, agreeable to the constitution of this state and the provisions of the act of congress therein referred to;" which was signed by the speaker of this house and sent to the house of representatives.

Received from the house of representatives, a bill to exempt certain lands from taxation; which was read the second time, passed & sent to the house of representatives.

Also, a bill to facilitate the opening and keeping in repair the public roads within this state; which was read the first time, passed and sent to the house of representatives.

Also, a bill to authorise the county court of Smith to lay a tax for the relief, of William Barlett; which was read the second time, amended, passed and sent to the house of representatives.

A bill to amend an act entitled "an act directing the division of the state into convenient districts, for appointment of principal surveyors thereof," &c. was again taken up, progressed therein as far as the thirty-fifth section.

House then adjourned until Monday 9 o'clock.

MONDAY, November 23, 1897.

House met according to adjournment.

Mr. White from the committee of enrolments, reported the following bills correctly engrossed, to wit:

An act for the regulation of the town of Clarksville.

An act to prevent any person or persons from erecting

any works on the Caney-Fork, that will have a tendency to obstruct the navigation of said river.

An act to amend the law regulating contracts in particular cases.

An act for the regulation of the town of Maryville.

An act making full and complete compensation to Maj. Robert King for services rendered in laying out, viewing and marking a road from the lower settlements of Washington district to Nashville in Mero district.

An act to authorise the reception of the journals of the senate and house of representatives of this state as evidence.

An act for the relief of William M'Key.

An act to authorise the election of commissioners for the regulation of the town of Greeneville.

And, an act to amend an act entitled "an act to establish academies in the several counties in this state, and for the appointment of trustees thereof;" which were severally signed by the speaker of this house, and sent to the house of representatives.

Mr. Humphreys introduced a bill to reduce the limits of Dickson county, and to form a new county south of the same; which was read the first time, passed and sent to the house of representatives.

A bill to amend an act entitled "an act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof," &c. was again taken up, and on motion of Mr. Preston, to fill the first, second and third blanks in the thirty-fifth section of said bill, with the words twelfth September 1806; which section is as follows:

Sec. 35. Be it enacted, that it shall and may be lawful for each and every person or persons who shall have made an actual settlement, and shall have seated him, her or themselves on any vacant and ungranted land, which by this act is intended to be entered and granted, and shall have been in possession of the same on the day of _____ in the year one thousand eight hundred and _____ to have preference for the term of _____ months from after passing of this act, to enter the same, not exceeding three hundred acres, to include his, her or their improvement, by

virtue of any good and valid warrant or certificate, and obtain a grant for the same. The yeas and nays were as follow :

Yeas—Messrs. Preston, Russell, Lea, Doherty, Walton, White, Humphreys, Wilkinson and Tipton.

Nays—Messrs. Weakley and Perkins.

On motion of Mr. Preston to fill the fourth blank in said section with the words 'two years;' the yeas and nays were as follow :

Yeas—Messrs. Preston, Russell, Lea, Doherty, Walton, White, Wilkinson and Tipton.

Nays. Messrs. Weakley, Humphreys and Perkins.

On motion of Mr. Perkins to strike out the word 'twenty,' in the fiftieth section of said bill, which word 'twenty' is contained in the following clause of said section, to wit: and that the fourteenth, nineteenth, twentieth, fifty-second and fifty-fourth sections of said act, shall be, and the same hereby are repealed. The yeas and nays were as follow :

Yeas—Messrs. Doherty, Wilkinson, Douglass and Perkins.

Nays—Messrs. Preston, Weakley, Russell, Lea, Walton, White, Humphreys and Tipton.

Received from the house of representatives, a certificate of the commissioners of West-Tennessee, stating that Thomas Hopkins had done certain services for said board as a confidential agent, for which they think him entitled to twenty-five dollars; which was read and referred to the committee of claims.

Also, a message concurring with the amendments by this house proposed to the bill appointing additional commissioners for the regulation of Jacksborough, and for other purposes, in the county of Campbell; and informing this house, that they had sent Messrs. Kirby and Vanbibber to see the amendment made; the bill was then read the third and last time, amended, passed and ordered to be engrossed.

Also, a petition of John M'Ewin, Abraham K. Shaifer, Nathaniel Cox, Mathew Nelson and John Dowler, praying to be released from a forfeited recognizance; which was read, & on motion ordered to lie on the table.

On motion of Mr. Douglass, ordered that the follow-

following message be sent to the house of representatives to wit:

The senate propose that the committee of propositions and grievances be discharged from any further duties; which was sent accordingly, and a message received from the house of representatives concurring therewith.

The house adjourned until to-morrow nine o'clock.

TUESDAY, November 24; 1807.

The house met according to adjournment.

Mr. Preston introduced a bill supplementary to an act entitled "an act increasing the jurisdiction of justices of the peace," passed November 7th; 1803; which was read the first time, passed and sent to the house of representatives.

Mr. Perkins who withdrew for amendment, a bill to fix the seat of justice in the county of Rutherford at or near the centre thereof, and for other purposes; returned the same with a proposed amendment thereto, which was read and not received; said bill was then read the second time and rejected.

Received from the house of representatives, a bill for the relief of Christopher Haynes and the other persons therein named; which was read the third time, amended, passed and sent to the house of representatives.

Also, a bill for the relief of certain persons claiming military lands; which was read the third time, amended, passed and sent to the house of representatives.

Also, a bill to amend an act passed at Knoxville the 6th of September. 1806, entitled "an act for the appointment of a register of the land office, and providing for the sale of the lands south of Holston and French Broad, agreeable to the constitution of this state, and the provisions of the act of congress therein referred to" which was read the second time, passed and sent to the house of representatives.

Also, a bill supplementary to an act entitled "an act to establish a college in East-Tennessee."

Also, a bill supplementary to an act entitled "an act for the better establishment and regulation of the militia of this state" passed at Knoxville on the 5th November 1803;

which were severally read the second time, amended, passed and sent to the house of representatives.

Also, a bill to amend an act entitled "an act to ascertain what property in this state shall be deemed taxable property, and the mode of collecting, accounting for, and paying the public taxes," passed at Knoxville the 7th day of November 1803.

Also, a bill providing for the election of commissioners in the town of Kingston, and for other purposes; which were severally read the second time, passed and sent to the house of representatives.

The house adjourned until 3 o'clock.

The house met according to adjournment.

The speaker presented to the house a letter from the honorable Joseph Anderson, enclosing a copy of a resolution, which was by him presented to congress, relative to disposition of the vacant lands within the state of Tennessee, together with sundry other documents relating to the difference between the United States of America, and the kingdom of Great Britain; which were severally read.

Received from the house of representatives, a bill to provide for the payment of witnesses in criminal prosecutions; which was read the second time, passed and sent to the house of representatives.

Also, a bill to establish the town of Burrville. as originally laid out.

Also, a bill to amend an act entitled "an act passed the 28th July 1806, authorising a separate election in Smith county, at the house of John Brevard."

Also, a bill to secure the free navigation of the river Watagua.

Also, a bill to secure the free navigation of the Nolachucky river; which bills were severally read the first time, passed and sent to the house of representatives.

Mr. Weakley presented a bill for the relief of such persons who may hold honest claims against the county of Davidson previous to the county of Williamson being established; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill respecting the duty of justices of the peace during the sitting

of the county courts ; which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill to amend an act entitled " an act to amend the law in force and use concerning free negroes, mulattoes and slaves," passed the 13th of September 1806 ; which was read the third time, amended, passed and sent to the house of representatives.

Also, a bill to provide for separate elections in the county of Sumner.

Also, a bill for the regulation of the town of Elizabethton in the county of Carter ; which were severally read the third and last time, passed and ordered to be engrossed.

Also, a bill, to amend an act entitled " an act in addition to an act passed on the first day of November 1805, entitled " an act for the regulation of registers offices," &c. passed last session of the general assembly for the state of Tennessee ; which was read the first time, passed and sent to the house of representatives.

A message was sent to the house of representatives informing them that this house had taken up for the third and last reading, a bill to compel persons obtaining writs of certiorari and writs of error, to give security ; and proposing to amend the same, by striking out the word 'six,' in the third section, and inserting the words ' twelve and an half ;' and requesting them, should they agree to said amendment, to send two of their body to see it made.

Received from the house of representatives, a message informing this house of their concurrence with the above message, and that they had appointed messrs. Trimble & Dardis to see it made. Said bill was then read the third and last time, amended, passed and ordered to be engrossed.

The house adjourned until to-morrow nine o'clock.

WEDNESDAY, November 25, 1807.

The house met according to adjournment.

On motion of Mr. Russell, a bill to divorce certain persons therein mentioned ; was taken up, read the third time, passed & sent to the house of representatives.

Received from the house of representatives, a bill to amend an act passed at Knoxville the sixth of September, in the year of 1806, entitled " an act for the appointment of the land office, and providing for the sale

of land south of Holston and French Broad, agreeably to the constitution of this state, and the provisions of the act of congress therein referred to ;" which was read the third and last time, passed and ordered to be engrossed.

Also, a bill supplementary to an act entitled "an act to reduce Roane county to its constitutional limits, and to form two new and distinct counties south west of the same," passed this session of the general assembly ; which was read the first time, passed and sent to the house of representatives.

Also, a bill directing the mode of compelling collectors, holders or receivers of county taxes, to account for, and pay the same ; which was read the third time, amended, passed and sent to the house of representatives.

Also, a bill appointing additional commissioners for the town of Sevierville ; which was read the first time, passed and sent to the house of representatives.

Also, a bill to amend an act entitled "an act to prevent the exportation of unmerchable commodities," passed November 14th 1801 ; and also, to amend an act entitled "an act for the inspection of tobacco," passed October 20th, 1799 ; which was read the first time, passed and sent to the house of representatives.

Also, a bill to exempt certain lands from taxation ; which was read the third time, passed and sent to the house of representatives.

Also, a bill to establish a separate election in Rutledge county ; which was read the first time, passed and sent to the house of representatives.

Also, a bill defining the punishment to be inflicted on persons guilty of the crimes and offences therein mentioned ; which was read the second time, amended, passed and sent to the house of representatives.

Received from the house of representatives, a message informing this house that they had taken up for the third and last reading, a bill for the relief of Christopher Haynes and the other persons therein named ; and proposing to amend the same by striking out the the third section of said bill, together with the preamble, which respects the transfer of an entry from James Lewis to William T. Lewis, which was granted to James Cozby ; and request-

ing this house, should they agree to said amendment, to send two of its body to see it made ; which message was non-concurred with, and a message sent to the house of representatives informing them thereof.

Received also, a message informing this house that they had taken up for the third and last reading, a bill to amend an act entitled " an act to amend the law in force and use concerning free negroes, mulattoes and slaves," passed the 19th of September, 1806 ; and proposing to amend the same, by striking out the last section of said bill, which relates to patrols being appointed by justices of the peace, and requesting this house, should they agree to said amendment, to send two of its body to see it made : which message was concurred with, messrs. Russell and Lea appointed to see the amendment made, and a message sent informing the house of representatives thereof.

Received from the house of representatives, the following report of the committee appointed to contract with the printer for printing seventy-eight copies of the bill entitled a bill to amend an act entitled " an act directing the division of the state into convenient districts," &c. to wit :

The committee appointed to contract for the printing of seventy-eight copies of the bill entitled a bill to amend an act entitled " an act directing the division of the state into convenient districts for the appointment of principal surveyors thereof, & for ascertaining the *bona-fide* claims against the same, agreeable to an act of congress passed the eighteenth day of April 1806, entitled " an act to authorise the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," and to point out the mode hereafter to be pursued in ascertaining the unsatisfied claims, and in perfecting titles on the same :

• Beg leave to make the following report, viz :

That having in obedience to their appointment, contracted with George Wilson for the bill aforesaid, at eight dollars per sheet ; he hath completed his said contract, whereby the committee aforesaid, find him in virtue thereof, entitled to receive fifty two dollars for said service ;

which report by your committee is most respectfully submitted.

(Signed) **THOMAS DARDIS**, Chairman.

Which report was read and concurred with.

The house adjourned until 3 o'clock.

The house met according to adjournment.

Received from the house of representatives, a bill authorising the county court of Smith to lay a tax for the relief of William Bartlett; which was read the third and last time, passed and sent to the house of representatives.

Also, a bill to reduce the limits of Dixon county, and to form a new county south of the same; which was read, and on motion of Mr. Weakley, withdrawn by him for amendment.

Also, a bill to attach the militia regiment of Campbell county to the third brigade; which was read the first time, passed and sent to the house of representatives.

Also, a bill to facilitate the opening and keeping in repair the public roads within this state.

Also, a bill authorising two separate elections in Jackson county.

Also, a bill appointing additional commissioners, and for regulating the town of Newport in the county of Cocke.

Also, a bill authorising two separate elections in Overton county; which bills were severally read the second time, passed and sent to the house of representatives.

Also, a bill supplementary to an act entitled "an act increasing the jurisdiction of the justices of the peace," passed November 7th, 1803; which was read the second time passed and sent to the house of representatives.

Also, a bill to establish the permanent seat of justice in the county of Stuart; which was read the third time, passed and sent to the house of representatives.

Mr. Weakley from the committee of claims made the following reports, to wit:

That the claim of Robert Houston secretary of state, for postage, stationary, &c. up to the 4th November 1807; also, for removing the books and papers belonging to the secretary's office, from Knoxville to Kingston, and from Kingston to Knoxville; is reasonable, and he is allowed

the sum of 111 dollars 79 cents, as full compensation for the same.

Also, the claims of Stephen Majors, Godfrey Carriger and John Adams, registers of Sullivan, Carter and Washington counties, for furnishing the board of commissioners of East-Tennessee, with transcripts of the original grants registered in their offices, which transcripts were not furnished within the time prescribed by law; are reasonable, and have resolved, that the register of the land office be directed to liquidate their accounts and give them certificates for their services performed in transcribing the aforesaid grants.

Also, the claim of Andrew M. Lusk, for copying from John Armstrong's entry book, all those entries which appeared not to be granted, for the use of the board of commissioners; is reasonable, and allow him the sum of fifty five dollars and fifty cents, for furnishing said articles; which reports were severally read, concurred with, and sent to the house of representatives.

Also, the claim of James Gordon, for preparing a room, finding sash glass, &c. for the legislature in Kingston; is reasonable, and allow him the sum of 15 dollars for said services and finding; which report on motion of Mr. Russell, was ordered to lie on the table.

Received from the house of representatives, a bill pointing out the manner of returning lands for taxation and how they shall be conveyed when sold for the taxes; which was read the second time, passed and sent to the house of representatives.

Mr. Perkins presented a bill supplemental to an act to reduce Williamson county to constitutional limits, and to form a new county on the south and south west of the same, passed this session.

Mr. White presented a bill to release James Atkins from a judgment entered on a forfeited recognizance.

Mr. Preston presented a bill to release Mathew Nelson, John Dowler, Abraham K. Shaifer, John M'Ewhart and Nathaniel Cox, from a forfeited recognizance.

Mr. Walton presented a bill regulating the time of holding the several courts therein mentioned.

Mr. Russell presented a bill supplemental to the laws

now in use and force concerning estrays ; which bills were severally read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a message accompanied with a message from his excellency the governor, relative to the road leading from South West-Point, to Walton's ; also, sundry documents respecting the same ; and informing this house that they had referred the same to a select committee, and had appointed Messrs. Dixon, Crawford, Dardis and Mitchell, on their part, to act with such gentlemen as this house should think proper to appoint, and asking the concurrence of this house ; which message was concurred with, messrs. Doherty and Perkins appointed as a committee on the part of this house, and a message was sent informing the house of representatives thereof.

Received from the house of representatives, a bill to authorise James Cook to use timber standing on vacant land adjoining his Iron-works, in Blount county ; which was read the first time, passed and sent to the house of representatives.

Also, a bill authorising a separate election in the south end of Smith County ; which was read the third time, passed and sent to the house of representatives.

Also, a bill to establish the town of Burrville as originally laid out.

Also, a bill to secure the free navigation of Nolichucky river : which were severally read the second time, passed and sent to the house of representatives.

Also, a bill concerning appeals and certioraris ; which was read the first time, passed and sent to the house of representatives.

A bill to authorise Elizabeth Spurgin and George Webb, to make a deed of conveyance to Thomas Cox, was taken up, read the second time, passed and sent to the house of representatives.

Also, a bill to authorise the inhabitants of Sequatchy Valley in the county of Roane, to hold separate musters ; which was read the second time, and rejected.

The house adjourned until to-morrow nine o'clock.

THURSDAY, November 26th, 1807.

The house met according to adjournment.

Mr. Weakley who withdrew for amendment, a bill to reduce the limits of Dickson county, and to form a new county south of the same, returned the same with several proposed amendments, which were read and received; the said bill was then read the second time, amended, passed and sent to the house of representatives.

Received from the house of representatives, a bill to establish a new county south and east of the counties of Warren and Bedford; which was read the third and last time, passed and ordered to be engrossed.

Mr. White from the committee of enrolments, reported the following bills correctly engrossed, to wit:

An act to appoint commissioners and to vest them with power to sell the public lot and jail in front of the courthouse in Rogersville and for other purposes therein mentioned.

An act to prevent sheriffs, coroners and constables from taking undue advantages in selling property under execution.

An act regulating costs in criminal prosecutions.

An act to authorise a separate election in Wilson county.

An act to divide the county of White into two separate and distinct counties.

An act authorising a separate general muster in Smith county.

An act concerning ferries and ferry landings.

An act declaring what fences shall be deemed sufficient, and for other purposes.

And, an act to incorporate a banking association by the name of the Nashville Bank; which were severally signed by the speaker of this house, and sent to the house of representatives.

Received from the house of representatives, a bill to compel clerks to account for and pay into the treasury, all the public monies by them received, and to pay over to plaintiffs and others, monies by them received as clerks; which was read the second time, amended, passed and sent to the house of representatives,

Also, a message accompanied with a resolution, that no bills, either of a local or general nature, shall be received during the present session of the present general assembly after 5 o'clock on the present evening; which was read and non-concurred with, on the concurrence of said message the yeas and nays were as follow:

Yeas—messrs. Preston, Perkins and Tipton.

Nays—messrs. Weakley, Russell, Doherty, White, Humphreys and Wilkinson.

On motion of Mr. Weakley the following resolution was adopted:

Resolved, that no bills shall be received during the present general assembly after Saturday next; a message was sent informing the house of representatives thereof, and asking their concurrence. On the adoption of the above resolution, the yeas and nays were as follow:

Yeas—messrs. Weakley, Russell, Doherty, White, Humphreys, Wilkinson and Perkins.

Nays—messrs. Preston and Tipton.

Received from the house of representatives, a bill relative to Baker's turn-pike commonly so called.

Also, a bill to amend an act entitled "an act ascertaining the number of judges of the superior courts of law and equity, and fixing their salaries and directing their qualifications to office," passed the 9th day of April 1796; which were severally read the first time, passed and sent to the house of representatives.

Also, a bill respecting the duty of justices of the peace during the sitting of the county courts; which was read the third & last time, passed & ordered to be engrossed.

Mr. White introduced a bill to authorise Willie Blount to execute deeds of conveyance to certain lands of the late Reading Blount deceased; which was read the first time, passed and sent to the house of representatives.

The house adjourned until 3 o'clock. P. M.

The house met according to adjournment.

Received from the house of representatives, a bill to amend an act entitled "an act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the bona-fide

passed the 18th day of April 1806, entitled "an act to authorise the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," and to point out the mode hereafter to be pursued in ascertaining the unsatisfied claims, and in perfecting titles on the same ; which was progressed in as far as the fourteenth section.

House adjourned until to-morrow nine o'clock.

FRIDAY, November 27th, 1807.

House met according to adjournment.

Mr. Wilkinson introduced a bill supplementary to two acts passed this session of this general assembly, and to amend an act passed at the session of the general assembly in the year 1806, relative to the lands south of French Broad and Holston," and also for extending the time of holding the courts of Blount county ; which was read the first time, passed and sent to the house of representatives.

Received from the house of representatives, a bill supplemental to the laws now in use and force concerning strays ; which was read the second time, passed and sent to the house of representatives.

Received from the house of representatives, a bill to divide Rutherford, county, and to form a new county on the south and south west of said county by the name of Bedford ; which was read and on motion of Mr. White, the following amendment by him offered and received, to wit : immediately after the word ' Bedford,' in the first section of said bill, to insert the words "in memory of Thomas Bedford deceased ;" and on motion of Mr. Perkins, the following amendments were adopted : immediately after the words " Williamson county," in the latter part of said section, to insert the words " leaving Rutherford county its constitutional limits ;" and also by striking out the sixth section of said bill except the words " be it enacted, that," in the beginning of said section, and inserting the following words, to wit : said " county of Bedford be a part of the district for electing a governor, representative or representatives to congress, electors to elect a president and vice president of the United States, and members of the general assembly, to which it hath

heretofore belonged ; and that the elections be held at the place of holding courts in said county, at the time and in the manner by law directed ; and that the sheriff or returning officer make a return of the polls at the courthouse in the town of Jefferson, on the day next succeeding each election, to the sheriff or returning officer for the county of Rutherford, and upon comparing the votes, they shall declare the candidate for the representation of said counties of Rutherford and Bedford, who may have the highest number of votes, duly elected, and give a certificate accordingly ; and it shall be the duty of the sheriff of Rutherford county, to make the return for the senator of said district as heretofore directed by law." A message was sent to the house of representatives informing them thereof, and requesting them, should they agree to the amendments, to send two of their body to see them made.

Received from the house of representatives, a message concurring with the amendments by this house proposed, to the above named bill, and informing this house that they had appointed messrs. Dickson and Blount, to see them made ; said bill was then amended, read the third and last time, passed and ordered to be engrossed.

Received from the house of representatives, a message concurring with the resolution by this house adopted, that no bill be brought in after Saturday next, during the present session.

Also, a message informing this house that they had taken up for the third and last reading a bill for the relief of certain persons claiming military lands ; and proposing to amend the same by adding the following section, to wit ;

Be it enacted, that nothing herein contained, shall be so construed, as to authorise the issuing any grant on the claims herein mentioned, until they have been adjudged valid by the commissioner of West-Tennessee, and a duplicate obtained from said commissioner. And requesting this house, should they agree to said amendment, to send two of its body to see it made ; which message was concurred with, messrs. Weakley and Tipton appointed to see the amendment made, and a message sent informing the house of representatives thereof.

A bill to amend an act entitled " an act directing the

division of the state into convenient districts, for the appointment of principal surveyors thereof," &c. was taken up, and progressed in as far as the thirty-fifth section.

The house adjourned until 3 o'clock P. M.

The house met according to adjournment.

A bill to amend an act entitled "an act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof," &c. was again taken up, and on motion of Mr. Weakley, to strike out the word 'seven,' for the purpose of inserting 'six,' in the foregoing part of the thirty-fifth section of said bill, which part of said section is as follows :

Be it enacted, that it shall and may be lawful for each and every person or persons who shall have made an actual settlement, and shall have seated him, her or themselves on any vacant and ungranted land which by this act is intended to to be entered and granted, and shall have been in possession of the same on the twelfth day of September 1806. The yeas and nays were as follow :

Yeas—messrs. Weakley, Lea, White, Humphreys, Douglass and Perkins.

Nays—messrs. Preston, Russell, Doherty, Walton, and Tipton.

The votes being equal, it was decided in the affirmative by the speaker.

On motion of Mr. Weakley, to strike out the word 'nine,' for the purpose of inserting 'six,' in the following part of the above named section, to wit : and it shall be the duty of said occupant or occupants, to cause to be surveyed where it has not been done, the quantity he, she or they intend entering, agreeable to this act, within nine months from and after the passage of this act," &c. The yeas and nays were as follow :

Yeas—messrs. Weakley, Lea, White, Humphreys, Douglass and Perkins.

Nays—messrs. Preston, Russell, Doherty, Walton, Wilkinson and Tipton.

The votes being equal, it was decided in the negative by the speaker.

On motion of Mr. Wilkinson, to strike out the words "person or persons," immediately after the words "unless

it can be proved that such," for the purpose of inserting "granter or grantees," in the foregoing, part of the thirty sixth section of the above named bill, which part of said section is as follows :

Be it enacted, that it shall not be lawful for any person or persons to make an entry of, and obtain a survey or grant for any land of which any other person or persons may have possession, under a grant or grants which upon the face thereof appears to be fair, unless it can be proved, that such person or persons were guilty of some fraud in procuring of such grant or grants to be issued, &c.. The yeas and nays were as follow :

Yeas--messrs. Wilkinson, Douglas and Perkins.

Nays--Messrs. Preston, Weakley, Lea, Doherty, Walton, Russell, White, Humphreys and Tipton.

The above named bill was read and ordered to lie on the table until to-morrow.

Mr. Wilkinson moved for, and obtained leave to enter his reasons for voting in favor of striking out the words 'person or persons' as named above, which are as follow :-

The reasons I voted as above stated, is, that I am of opinion that the said section as it stands, will in effect establish all fraudulent grants, which I think inconsistent with doing the state justice.

JOHN WILKINSON.

Received from the house of representatives, a message informing this house that they had taken up for the third and last reading, a bill directing the mode of compelling collectors, holders or receivers of county taxes, to account for and pay the same ; and proposing to amend it, by striking out of said bill, all that part which was stricken by that house on the second reading of said bill, and re-instated by this house ; and also, by re instating in said bill, all that was stricken out by this house on the third reading ; and also, by striking out at the letter end of the third section, the words "some session before the first Monday in December in each year," and inserting "at the first court after the last day of December in each year," and directing this house, should they agree to said amendment, to send two of its body to see them made.

The report of the above named message, a res-

message was sent to the house of representatives informing them, that the senate find themselves unable to form any opinion on the amendments by them proposed, as a number of bills have been read since the one to which they allude, and unless they will point out the amendments they propose making, or favor this house with the bill, the senate cannot form any opinion whether they will agree to the amendments by them proposed or not; and requesting them to adopt such measures as in their judgment will enable this house, on their oaths, to do what may be right, which this house feel convinced is their wish.

House adjourned until to-morrow nine o'clock.

SATURDAY, November 28, 1807.

House met according to adjournment.

Received from the house of representatives, a bill to authorize Elizabeth Spurgen administratrix, and George Webb administrator of the estate of John Spurgen, late of Sullivan county, deceased, to make a deed of conveyance to Thomas Cox.

Also, a bill authorising two separate elections and general musters in Overton county.

Also, a bill to facilitate the opening and keeping in repair the public roads within this state.

Also, a bill to compel clerks to account for, and pay in to the treasury, all the public monies by them received, and to pay over to plaintiffs and others, monies by them received as clerks.

Also, a bill to establish the town of Burrville as originally laid out.

Also, a bill to secure the free navigation of Nolichucky river.

Also, a bill authorising two separate elections in Jackson county.

Also, a bill appointing additional commissioners, & for regulating the town of Newport in the county of Cocke; which were severally read the third and last time, and ordered to be engrossed.

A message was sent to the house of representatives, informing them of the concurrence of this house to the several amendments by them proposed, to a bill supplemental to an act entitled "an act to encourage the building of

"Iron-works in this state," passed at Fayetteville, in the year 1788 ; and also informing them, that Messrs. Russell and Perkins were appointed to see them made.

A bill to amend an act entitled "an act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the *bona-fide* claims against the same," &c. was taken up, and progressed in as far as the twenty-second section ; on motion of Mr. Russell to make the following amendment to said section, to wit : "and that it shall and may be lawful for any person or persons who may heretofore have filed any claim with either of the boards of commissioners, which claim may have been adjudged invalid by said commissioners, upon producing any additional evidence authorised by this act to be received in adjudging claims, to require a re-examination of such claim by the commissioner to be appointed by this act, and if said commissioner shall be of opinion from the evidence adduced to him, that said claim is valid, he shall proceed to act on said claim in the same manner as if it had not been adjudged invalid ; and in all such cases, when the commissioner shall affirm the judgment formerly given on said claim, the claimant shall be entitled to an appeal as in other cases," The yeas and nays were as follow :

Yeas—Messrs. Russell, Wilkinson and Tipton.

Nays—Messrs. Preston, Weakley, Lea, Doherty, Walton, White, Humphreys, Douglass and Perkins.

The house adjourned until three o'clock.

The house met according to adjournment.

A bill to amend an act entitled "an act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the *bona-fide* claims against the same," &c. the reading of which was continued as far as the forty-second section, when Mr. Humphreys moved the following amendment thereto, to wit : "And in all surveys hereafter to be made, under the authority of this act, greater distances shall not be called for in the certificate of survey than will be sufficient to include the quantity of land mentioned in the warrant or entry ; and the person for whose benefit such survey shall be made, shall be confined to the

"distances called for in such certificate of survey, or the grant formed thereon, and shall not hold any land beyond the distances mentioned in the said plat and certificate and grant, unless the said distances shall be insufficient to include the quantity of land to which such person is entitled by virtue of his warrant or entry." Which amendment, it was moved by Mr. Humphreys should be adopted, and on the question being put, that the same be received, it passed in the affirmative, and the yeas and nays were as follows, to wit :

Yeas—messrs. Preston, Lea, Doherty, White, Humphreys, Wilkinson, Douglass, Perkins and Tipton. . . 9.

Nays—messrs. Weakley, Russell and Walton. . . 3.

Mr. Humphreys then moved to strike out the words "the same shall be declared vacant land," in the latter part of the forty fourth section of said bill, which reads thus: "And that in all cases in making original surveys, the surveyor shall not make any allowance, but shall make each survey on each entry or location, as nearly as practicable, for the quantity called for in such entry or location: provided, there is land sufficient to fill the same, and should it hereafter appear, that any tract of land which has or may be surveyed by and under the authority of this act, or the act which this act is intended to amend, which shall contain within the lines and corners of said survey, one fourth more than the quantity called in the entry on which such survey has or shall be made; the quantity of 1 fourth, shall be deemed a fraud practised on the state by the surveyor, and the same shall be declared vacant land, and it shall be deemed and declared a misdemeanor in the said surveyor who shall or may have made such survey; and it shall be the duty of the attorney general for the district in which the same may have been done, upon information being given to him thereof, to prefer an indictment against, and prosecute such surveyor, in the superior court of such district; and on conviction thereof, he shall be removed from office and be fined and imprisoned at the discretion of the court," &c. Whereupon the question was put, that the words "the same shall be declared vacant land," be stricken out, it passed in the affirmative, and the yeas and nays were as follows, that is to say :

Yeas—messrs. Preston, Lea, Doherty, White, Humphreys, Wilkinson, Douglass and Perkins. 8.

Noes—messrs. Weakley, Russell, Walton & Tipton. 4.

The aforesaid bill, was read the third time, amended, passed and sent to the house of representatives.

Received from the house of representatives, a bill to fix the salaries of the treasurers of this state; which was read the first time, passed and sent to the house of representatives.

Mr. Weakley from the select committee appointed to draft a bill for the appropriation of money to members, clerks and door-keepers of the present general assembly, &c. reported, a bill to provide for the payment of the members, clerks and door-keepers of the present general assembly; which was read the first time, passed and sent to the house of representatives.

House then adjourned until Monday 9 o'clock.

MONDAY, November 30, 1807.

House met according to adjournment.

Mr. White from the committee of enrolments, reported the following bills correctly engrossed, to wit:

An act supplemental to an act entitled "an act to encourage the building of Iron-works in this state," passed at Fayetteville in the year 1793.

An act to establish the permanent seat of justice in the county of Stuart.

An act to amend an act entitled "an act to prevent the exportation of unmerchandiseable commodities," passed November 14th 1801; and also to amend an act entitled "an act for the inspection of tobacco," passed October 26. 1799.

An act for the relief of certain persons claiming military lands.

An act authorising a separate election in the south end of Smith county.

An act to amend an act entitled "an act to amend the law in force and use concerning free negroes, mulattoes and slaves," passed the 15th of September 1806.

An act to exempt certain lands from taxation.

An act to reduce Roane county to its constitutional limits, and to form two new and distinct counties south west of the same.

An act for the relief of Christopher Haynes and the other persons therein mentioned.

An act for the relief of persons who have not had their deeds, grants, mesne conveyances or bills of sale registered within the time heretofore prescribed by law.

An act to provide for separate elections in the county of Sumner.

An act to amend an act entitled "an act for erecting part of the county of Anderson and part of the county of Claiborne into a separate and distinct county," passed 11th of September 1806.

An act authorising two separate elections in Jackson county.

An act to compel clerks to account for and pay into the treasury, all public monies by them received, and to pay over to plaintiffs and others, monies by them received as clerks.

An act to compel persons obtaining writs of certiorari and writs of error to give security.

An act to facilitate the opening and keeping in repair the public roads within this state.

An act appointing additional commissioners, for regulating the town of Newport in the county of Cocke.

An act to authorise two separate elections in Overton county; which were severally signed by the speaker of this house, and sent to the house of representatives.

Received from the house of representatives, a bill to authorise Willie Blount to execute deeds of conveyance to certain lands of the late Reading Blount deceased.

Also, a bill supplemental to an act to reduce Williamson county to constitutional limits, and to form a new county on the south and south west of the same, passed this session.

Also, a bill to release Mathew Nelson, John Dowler, Abraham K. Shaifer, John M^cEwin and Nathaniel Cox, from a forfeited recognizance.

Also, a bill to amend an act entitled "an act in addition to an act passed on the first day of November 1805, entitled "an act for the regulation of registers offices," &c. passed last session of the general assembly for the state of Tennessee.

Also, a bill to amend an act entitled "an act passed the 28th July 1806, authorising a separate election in Smith county, at the house of John Brevard."

Also, a bill to establish a separate election in Rutherford county.

Also, a bill appointing additional commissioners for the town of Sevierville.

Also, a bill to attach the militia regiment of Campbell county to the third brigade.

Also, a bill supplementary to an act entitled "an act to reduce Roane county to constitutional limits, and to form two new and distinct counties south west of the same," passed this session of the general assembly.

Also, a bill to secure the free navigation of the river Watauga; which bills were severally read the second time, passed and sent to the house of representatives.

Also, a bill for the relief of Jesse Johnston.

Also, a bill to provide for the election of President and vice-president of the United States; which were severally read the first time, passed and sent to the house of representatives.

Also, a bill regulating the time of holding the several county courts therein mentioned; which was read, and on motion, withdrawn by Mr. Humphreys for amendment.

Also, a bill providing for the election of commissioners in the town of Kingston, and for other purposes; which were severally read the third time, passed and sent to the house of representatives.

Also, a bill concerning appeals and certioraries.

Also, a bill to authorise James Cook to use timber standing on vacant land adjoining his Iron-works, in Blount county; which were severally read the second time, and rejected.

Also, a bill supplemental to the laws now in use and force concerning estrays.

Also, a bill to provide for the payment of witnesses in criminal prosecutions; which were severally read the second time, passed and sent to the house of representatives.

Also, a bill to divorce certain persons therein mentioned; which was read, and on motion, a message was sent to the house of representatives, informing them that this

cause propose to amend the said bill, by striking out the following words in the first section thereof, to wit: "Hugh Kennedy and his wife Eleanor, of Jefferson county;" and also, by striking out the second section of said bill, which is in the following words:

Be it enacted, that it shall and may be lawful, for each and every female hereby divorced from the bonds of matrimony, to sue for, & recover from the person from whom said woman is divorced, the amount of the value of what property said woman shall have brought to her said husband at the time of her marriage, which suit shall be commenced and recovery had, in any court of law having cognizance thereof: provided, that if said woman shall have recovered any part of said property from her said husband, she shall in that case, only recover the value of the balance. And requesting them, should they agree to said amendments, to send two of their body to see them made.

Received from the house of representatives, a message stating that the above amendments were by them concurred with, and that Messrs. Haynes and Mitchell were appointed to see the same made, the said bill was then amended, read the third and last time, passed and ordered to be engrossed.

Also, a bill defining the punishment to be inflicted on persons guilty of the crimes and offences therein mentioned; which was progressed in as far as the fourth section, in motion of Mr. Walton to strike out said section, which is in the following words:

Be it enacted, that every person who shall feloniously steal, take and carry away, any horse, mare or gelding, the property of another person, the person so offending, shall for the first offence, be adjudged and sentenced by the court before whom convicted, to receive on his or her bare back, a number of lashes not exceeding thirty-nine, and be imprisoned at the discretion of the court not less than six months and not exceeding two years, shall sit in the pillory two hours on three different days, and shall be considered infamous, as by law, persons convicted of petit larceny are infamous, and shall be branded with the letters, H. T. in such manner, and in such part of his person, as the court shall direct; and on the second conviction,

shall suffer death without benefit of clergy ; moreover, it shall be the duty of the jury trying such person, at the time he or she is found guilty, also to ascertain the value of the horse, mare or gelding so stolen, and judgment shall be entered for such value and the cost of prosecution ; which judgment may be discharged by delivering to the proper owner, the property so stolen and cost ; otherwise, execution may issue as directed in the first section of this act : provided, that nothing in this section contained, shall be construed to render the owner of the property stolen, an incompetent witness to give testimony at the trial of any indictment or presentment for stealing the same. The yeas and nays were as follow :

Yeas—Messrs. Preston, Weakley, Russell, Lea, Walton, Perkins and Tipton. 7.

Nays—messrs. Doherty, White, Humphreys, Wilkinson and Douglass. 5.

On motion of Mr. Walton, the following words of the ninth section were stricken out, to wit : “ shall for the first offence be punished in the same manner and degree, as persons convicted of grand larceney are punishable by the first section of this act, and shall also become infamous, and on the second conviction,” so as to make it read thus :

Be it enacted, that every person convicted of wilfully and maliciously burning any out house, barn, stable, public ware-house, or house for the reception of cotton, shall suffer death without benefit of clergy.

On motion of Mr. Weakley, the following words were added to the tenth section of said bill, to wit : “ and also receive thirty nine lashes on his or her bare back,” so as to make it read thus :

Be it enacted, that every person knowingly and wilfully receiving into his or her possession and custody, any horse, mare or gelding, which shall have been stolen, knowing the same to be stolen, such person shall on conviction thereof, be fined at the discretion of the court before whom convicted, in the sum of fifty dollars, be imprisoned not exceeding three months, be disqualified to hold any office either civil or military, within this state ; and moreover, shall forfeit and pay to the owner of the property, double

or her received, and also receive thirty nine lashes, on his or her bare back.

Also, the following words were added to the 11th section, to wit: "and receive not exceeding twenty-five lashes," so as to make it read thus:

Be it enacted, that if any person shall wilfully or knowingly receive into his possession and custody, any goods which shall have been stolen, and at the time of receiving the same, shall know them to be stolen; such person shall on conviction thereof, forfeit and pay to the owner of said goods, the value thereof, shall be fined by the court before whom convicted in the sum of fifty dollars, and shall be imprisoned not exceeding three months, and receive not exceeding twenty-five lashes.

And on motion of Mr. Humphreys, the following section was added to said bill, to wit:

Be it enacted, that nothing in this act contained, shall be so construed to prevent any court from entering up judgment for a greater sum than fifty dollars against a person guilty of any of the offences in this act mentioned, provided the said sum be issued by a jury at the trial of the cause. A message was sent to the house of representatives informing them thereof, and requesting them, should they agree to said amendments, to send two of their body to see them made.

Received from the house of representatives, a bill supplementary to an act entitled "an act for the better establishment and regulation of the militia of this state," passed at Knoxville on the 5th November 1803; which was read the third time, amended, passed and sent to the house of representatives.

Also, a bill to reduce the limits of Dixon county, and to form a new county south of the same; which was read the third time, passed and sent to the house of representatives.

The house adjourned until to morrow 9 o'clock.

TUESDAY, December 1, 1807.

The house met according to adjournment.

Mr. Weakley presented a claim of his excellency the governor, for moneys by him expended while attending on the treaty with the Cherokees, at Highwassee; which was

Read, referred to the committee of claims and sent to the house of representatives.

Received from the house of representatives, a bill supplemental to an act entitled "an act to establish a college in East-Tennessee; which was read the third and last time, passed and ordered to be engrossed.

Also, a bill for the relief of such persons who may hold honest claims against the county of Davidson previous to the county of Williamson being established; which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill to establish a separate election in Rutherford county.

Also, a bill to attach the militia regiment of Campbell county to the third brigade.

Also, a bill to amend an act entitled "an act in addition to an act passed on the first day of November 1805, entitled "an act for the regulation of registers offices," &c. passed last session of the general assembly for the state of Tennessee.

Also, a bill supplementary to an act entitled "an act to reduce Roane county to constitutional limits, and to form two new and distinct counties south west of the same," passed this session of the general assembly.

Also, a bill appointing additional commissioners for the town of Sevierville.

Also, a bill to secure the free navigation of the river Watagua.

Also, a bill to amend an act entitled "an act passed the 28th of July 1806, authorising a separate election in Smith county, at the house of John Brevard;" which were severally read the third and last time, passed and ordered to be engrossed.

Also, a bill making provision for the extinguishment of the Indian claim to lands within the limits of this state; which was read the third time, amended, passed and sent to the house of representatives.

Mr. Douglass who withdrew for amendment, a bill making provision for the payment of jurors to the county courts, returned the same with a proposed amendment, which was read and received, said bill was then read at

amended, the second time, passed and sent to the house of representatives.

Received from the house of representatives, a bill to authorise James Pierce to erect a ware-house on Noli-chucky river on his own land at the mouth of Richland creek in Greene county; which was read the second time, amended, passed and sent to the house of representatives.

Also, a bill to direct the duty of the clerks and sheriffs in certain cases therein mentioned; which was read the second time, passed & sent to the house of representatives.

A bill to divorce Rebecca Thornburgh from her husband Isaac Thornburgh; was taken up; read the second time, and rejected.

Mr. Humphreys who withdrew for amendment, a bill regulating the time of holding the several courts therein mentioned, returned the same with several proposed amendments, which were read and received; said bill was then read the second time as amended, passed and sent to the house of representatives.

Received from the house of representatives, a bill supplemental to two acts passed at this session of this general assembly, and to amend an act passed at the session of the general assembly in the year 1806, relative to the lands south of French Broad and Holston: and also, for extending the time of holding the courts of Blount county; which was read, and on motion, withdrawn by Mr. White for amendment.

Received from the house of representatives, a message informing this house that they had taken up for the third & last reading, the last bill, proposing to amend the same by striking out the following words at the end of the seven-teenth line in the first section of the printed bill, viz: "interleaved with the said warrants on which they are issued, a duplicate of the said warrant or a duplicate of the said warrant, the first of which is to be kept by the clerk of the court, and the second to be kept by the sheriff of the county, and the same to be produced on the validity of said writ or title, and on which the same is issued, and that no other warrant or title be issued on said warrant or a duplicate

thereof, previous to the issuance of said grant of title."

Also, proposing to strike out the 28th section of said bill, which was reinstated by this house.

Also, in the 35th section, proposing to reinstate the word "seven" in room of "six," so as to make it read thus, "who shall have been in possession of the same on the 12th day of September in the year 1807." And also, proposing to amend the 36th section, by striking out the following words, in the second section, to wit: "if any person shall have purchased prior to the 12th day of September 1806 any tract or tracts of land, and claim the same by bond or deed, which land if found to be vacant and ungranted land the person or persons having so purchased the same, shall be entitled to a preference of two years from and after the passage of this act, to enter the same, on any good and valid warrant, and shall be entitled to a grant therefor as in other cases: provided, he shall prove on oath, before the principal surveyor of the district in which said land lies, that said purchase was made previous to the said 12th day of September 1806."

Also, proposing to strike out the 37th section which relates to the claims of Morriss, Keadney, &c.

Also, proposing to add to the 41st section, the following words, "that all entries and surveys made under the act which this act is intended to amend, and all surveys to be made in pursuance of said act, and all entries and surveys to be made under the authority of this act, shall be made for lands within the bounds of the first, second, third, fourth, fifth and sixth surveyors districts, as directed in the third section of the act which this act is intended to amend; and that it shall not be lawful for any person or persons to enter or obtain a survey or obtain a grant for any land under the provisions of this act within this state, except within the bounds of said districts; and that hereafter in making entries and surveys in the respective districts, and appointing deputy surveyors, the eastern line of the fifth district dividing said district from the sixth district, shall be the line of Jefferson county dividing the same from Greene and Hawkins county, and the line of Grainger county dividing the same from Hawkins county."

tr, and the line of Claiborne county dividing the same from Hawkins, so as to include all the county of Jefferson, Grainger and Claiborne, in said fifth district, and all the county of Hawkins in the sixth district."

And also, proposing to add the following as an additional section, after the 41st section :

Be it enacted, that it shall not be lawful for any person or persons to enter, survey or obtain a grant for any tract or part of a tract of land heretofore surveyed or marked for the use of schools, by either of the surveyors appointed in pursuance of the act which this act is intended to amend ; and if any entry shall have been made or hereafter may be made, the same shall be null and void, and it shall not be lawful for either of the registers to issue a grant for the same, and if such grant should be issued, the same shall be null and void, and that it shall be lawful for such person when such entries have been made, to remove said warrant or certificate, and enter the same on any other vacant land in this state intended by this act to be granted.

And also proposing to strike out the following words at the end of the 42nd section : "And in all surveys hereafter to be made under the authority of this act, greater distances shall not be called for in the certificate of survey than will be sufficient to include the quantity of land mentioned in the warrant or entry, and the person for whose benefit such survey shall be made, shall be confined to the distance as called for in such certificate of survey or the grant founded thereon, and shall not hold any land beyond the distances mentioned in the platt and certificate and grant, unless the said distances shall be insufficient to include the quantity of land to which such person is entitled by virtue of his warrant or entry."

On motion of Mr. Weakley, to concur with the following amendment proposed by the house of representatives to wit : Be it enacted, that it shall not be lawful for any person or persons to enter survey or obtain a grant for any tract or part of a tract of land heretofore surveyed or marked for the use of schools, by either of the surveyors appointed in pursuance of the act which this act is intended to amend, and if any entry shall have been made or hereafter be made, the same shall be null and void, and it shall

not be lawful for either of the registers to issue a grant for the same, and in such grant should be issued, the same shall be null and void, and that it shall be lawful for such persons when such entries have been made, to remove said warrant or certificate and enter the same on any other vacant land in this state intended by this act to be granted." The yeas and nays were as follow :

Yeas—messrs. Weakley, Lea, White & Humphreys. 4.

Nays—messrs. Preston, Russell, Doherty, Walton, Wilkinson, Douglass, Perkins and Tipton. 8.

Also, a message proposing further to amend the land bill in the 41st section as in the printed copy, by striking out the words, " that it shall be the duty of every surveyor to make the surveys according to the priority of the entries, surveying first the warrant or certificate which was first entered," and substituting the following words, " that it shall be the duty of every surveyor by himself or deputy, to make the surveys in the different districts assigned to each deputy within any surveyors district, as near as may be according to priority of entry, when said entries join each other, or are for the same land, except such person for whom such prior entry was made, shall fail or refuse within the time of twelve days after the time at which said survey shall be authorised to be made, to call upon the surveyor and require said prior entry to be surveyed." Also, after the words " and on conviction thereof, he shall be removed from office and be fined and imprisoned at the discretion of the court," (which is in an amendment annexed to the aforesaid section) by adding the following words, " and if any survey contains more land within the lines than one tenth more than the quantity called for in said survey, the quantity exceeding said addition of one tenth, shall be deemed vacant land, and shall be thrown off on some one line by the owner and in one tract." Also, by striking out the words, " seventy-five cents," in the fifty-first section, which respects the registers fees, and inserting in the room thereof, " one dollar." and requesting this house, should they agree to said amendments, to send two of its body to see them made ; which several amendments were concurred with by this house, except that of striking out the 23th section of said

Bill, messrs. Weakley and White appointed to see the amendments made, and a message sent to the house of representatives informing them thereof.

Received from the house of representatives, a message informing this house that they had taken up for the third and last reading, a bill making provision for the extinguishment of Indian claims, &c. and proposing to amend the same by re-instating the word 'twenty' in lieu of 'fifteen' which was stricken out by this house; and requesting this house, should they agree to said amendment, to send two of its body to see it made; which was concurred with, messrs. Humphreys and Perkins appointed to see the amendment made, and a message sent informing the house of representatives thereof.

Mr. Weakley from the committee of claims, made the following reports, to wit:

That the claim of George Wilson for sundry printing performed for the governor and secretary for the use of the state up to the present session of the legislature, is reasonable, and that the committee think him entitled to receive the sum of 119 dollars 50 cents, as full compensation for said service, and the further sum of 21 dollars 84 1-4 cents, for blank returns furnished the adjutant general's office, and postage on papers directed to said office.

Also, the claim of the board of commissioners for West-Tennessee, for contingent expences, is reasonable, and that the committee allow them their account for record books, blank books, repairs to office, paper, tape and twine, which amounts to 103 dollars 81 1-4 cents; also, the sum of 54 dollars 57 1-2 paid Bradford for printing duplicates certificates, &c. and 7 dollars paid Easten for printing ditto, amounting in all to 165 dollars 38 3-4 cents; which reports were read and concurred with.

Also, the claim of the board of commissioners for West Tennessee, for contingent expences, and that the committee find that the following accounts are unreasonable, viz.

To 3 tables and one case with pigeon holes, 28 dolls.

To one table, 4 dolls.

To an additional clerk from first June until

28th August, 89 days at 3 dolls. per day, 267 dolls.

Amount, 299 dolls.

Which report was read and non-concurred with, so far as respected the tables and case ; and also, so far as respected the additional clerk, but allowed the said clerk the sum of two dollars per day for the above stated time.

Received from the house of representatives, a message concurring with the several amendments by this house proposed to the bill defining the punishment to be inflicted on persons guilty of the crimes and offences therein mentioned, except the striking out the 4th section of said bill, and excepting the amendment proposed by this house to the ninth section, and informing this house that they had appointed messrs. Trimble and Black to see them made.

Also, a bill to amend an act entitled " an act ascertaining the number of judges of the superior courts of law and equity, and fixing their salaries and directing their qualification to office," passed the 9th day of April, 1796 ; which was read the second time, passed and sent to the house of representatives.

House adjourned until to-morrow nine o'clock.

WEDNESDAY, December 2, 1807.

The house met according to adjournment.

Mr. Humpmays presented the resignation of John Harvie as a justice of the peace for Stuart county ; which was read, received & sent to the house of representatives.

Mr. Russell from the select committee to whom was referred a bill relative to clerks fees, returned the same with several proposed amendments ; which was read the second time, amended, passed and sent to the house of representatives.

Mr. Weakley from the committee of claims made the following reports, to wit :

That the claim of Thomas Dardis for conveying sundry documents from North-Carolina to Knoxville, for the use of the board of commissioners, is reasonable and the committee allow him the sum of five dollars per day for forty days, amounting to 200 dollars for said service.

Also, the claim of his excellency John Seveir, for moneys by him expended in attending a treaty in the year 1805 with the Cherokee Indians, in behalf of the state, is reasonable, and the committee allow him the sum of forty dollars, being the amount by him expended as stated,

which were severally read, concurred with, and sent to the house of representatives.

Received from the house of representatives, a message enclosing a resolution that the committee of enrolments be directed in examining the land bill, to insert the word "instant," in the room of "next," so as to make it read, that the commissioner of East-Tennessee shall sit at Knoxville on the second Monday of December instant, in the first section of said bill; which resolution was non-concurred with, and a message sent informing the house of representatives thereof.

Mr. White who withdrew for amendment, a bill supplemental to two acts passed this session of this general assembly, and to amend an act passed at the session of the general assembly in the year 1806, relative to the lands south of French Broad and Holston, and also for extending the time of holding the courts of Blount county; was by him returned; said bill was then read the second time, amended, passed and sent to the house of representatives.

Received from the house of representatives, a bill for the relief of such persons who may hold honest claims against the county of Davidson previous to the county of Williamson being established; which was read the third time, passed and sent to the house of representatives.

Also, a bill to direct the duty of the clerks and sheriffs, in certain cases therein mentioned.

Also, a bill supplemental to an act to reduce Williamson county to constitutional limits, and to form a new county on the south and south west of the same, passed this session.

Also, a bill to release Mathew Nelson, John Dowler, Abraham K. Shaifer, John M'Ewin and Nathaniel Cox, from a forfeited recognizance.

Also, a bill making provision for the payment of jurors to the county courts.

Also, a bill to authorise James Pearce to erect a warehouse on Nolichucky river, on his own land at the mouth of Richland creek in Greene county; which were severally read the third time, passed and sent to the house of representatives.

Also, a bill for the relief of Jesse Johnston; which was

read the second time, passed and sent to the house of representatives.

Also, a bill to authorise Willie Blount to execute deed of conveyance to certain lands of the late Regding Blount deceased ; which was read the third time, passed and sent to the house of representatives.

Also, the resignation of John Philips as a justice of the peace for Robertson county ; which was read and received.

A bill defining the punishment to be inflicted on persons guilty of the crimes and offences therein mentioned , was taken up, read the third and last time, passed and ordered to be engrossed.

On the passage of said bill, Mr. Lea moved for the yeas and nays, which were as follow :

Yeas—messrs. Weakley, Doherty, White, Humphrey, Wilkinson, Russell, Douglass, Perkins and Tipton.

Nays—messrs. Preston, Lea and Walton.

Mr. White from the land committee, made the following report :

The committee to whom was referred the petition of Samuel Y. Balch, principal surveyor of the sixth district, relative to compensation for sectioning said district, leave to report, that they have had the same under consideration, and upon examining said petition, upon examining the map of said district made by said surveyor, and upon hearing the evidence opposed to said petitioner's claim, they are of opinion the said surveyor hath not caused every part of said district to be sectioned in the manner prescribed by law, but have reason to believe that some parts thereof have been sectioned in the manner directed by law : They therefore recommend the adoption of the following resolution,

Resolved, that the register of East-Tennessee be directed to issue to the said Samuel Y. Balch, a warrant for running seven hundred miles in sectioning said district, in full compensation for all services rendered by said surveyor and his deputies in sectioning said district, making maps thereof, and all other services relative thereto.

A message was sent to the house of representatives, informing them that the senate had taken up for the third and last reading, a bill supplementary to an act to ascer-

what property in the state shall be deemed ~~unavailable~~
the mode of collecting, accounting for and paying pub-
lic taxes, passed November 7th 1803; and propose a-
mending the same by striking out the third section of said
bill which is as follows:

Be it enacted, that if any person or persons shall fail to
pay the collector the taxes due on any tract of land re-
turned as aforesaid to the justices appointed to receive said
taxes, or to the clerk of the court of the county, on or before
the first day of December in the year for which said tax
may be due, said person or persons shall be subject and li-
able to pay a double tax for said land, which tax shall be
collected by manner hereafter provided.

Also, by adding the following words to the 4th section
of said bill, 'not returned for taxation,' immediately after
the word 'land,' so as to make it read thus: And to cause
judgment to be entered up for double the tax due on said
land.

Also, by adding the following section to said bill:

Be it enacted, that in all sales of lands for taxes, where-
on the sheriff shall sell land which is held by entry only
and never has been granted, the sheriff shall transfer the
whole or part of said entry, as the case may be, to the per-
son who was the purchaser and paid the money under said
sale, and said transfer shall be a sufficient lien on the war-
rant or certificate on which said entry was made, or such
part thereof as will authorise the person to whom such
transfer was made, to hold and obtain a grant for the part
which he is justly entitled.

Whereas in the first section of an act to amend an act
entitled "an act directing the division of the state into con-
gressional districts; for the appointment of principal survey-
ors thereof, and for ascertaining the *bona-fide* claims against
the same, agreeable to an act of congress passed the 18th
day of April 1806, entitled "an act to authorise the state
of Tennessee to issue grants and perfect titles to certain
lands therein described, and to settle the claims to the
said and unappropriated lands within the same," and to
put our the mode hereafter to be pursued in ascertain-
ing the unsettled claims, and in perfecting titles on the
bill passed the present session of this general assembly,

it is made the duty of the commissioner for East-Tennessee to sit at Knoxville, on the second Monday in December next ; and whereas, at the time of passing said act, it was the intention of the general assembly that said commissioner should sit on the second Monday of December 1807 : Therefore,

Be it enacted, that it shall be the duty of said commissioner to hold his first session at Knoxville on the first Monday in January next, any thing in the before recited act to the contrary notwithstanding.

Be it enacted, that each of the commissioners to be appointed by the before recited act, shall, before entering on the duties of his appointment, before some judge of the superior court, or some justice of the peace, take and subscribe the following oath, to wit : " I, A. B. do solemnly swear, that as commissioner for East or West-Tennessee, as the case may be, I will honestly, faithfully and impartially discharge all the duties by law imposed upon me as commissioner, to the best of my understanding. So help me God."

Received from the house of representatives, a message of concurrence with the above, and informing this house that they had appointed messrs. Dardis and Trimble to see the amendments made.

Received from the house of representatives, a bill to provide for the election of President and vice-president of the United States ; which was read the second time, passed and sent to the house of representatives.

Mr. Speaker presented the following communication of his excellency the governor :

Mr. Speaker and Gentlemen of the Senate, and

Mr. Speaker, and

Gentlemen of the House of Representatives,

The time of your adjournment is nearly arrived, and a very considerable time will elapse before the next meeting of the legislature, and the prospects of peace in every quarter of the United States appear to be very much menaced. Permit me to inform you, that our state does not possess for public use one pound of powder and ball, nor a single musket wherewith to defend our country ; should the president call for the whole or any part of this state's quota

of volunteers, in what manner are they to be furnished either with provisions or any other of the indispensable necessities which would enable them to march out of the state.

I have taken the liberty to suggest those circumstances to your honorable body, that you in your wisdom, may give such instructions as may be deemed proper on the occasion.

JOHN SEVIER.

Knoxville, 2nd December 1807.

Which was read, referred to a select committee, Messrs. Walton and Doherty appointed on the part of this house, and a message sent informing the house of representatives thereof, and asking their concurrence.

Received from the house of representatives, a message of concurrence with the message above named, and informing this house, that they had appointed Messrs. Dickson, Lillard, Dardis and White, to act with the gentlemen by this house appointed.

A message was sent to the house of representatives, informing them, that the senate had adopted the following resolution, and had appointed Mr. Russel on their part to carry the same into effect, and asking their concurrence:

Resolved, that a committee be appointed to contract for the immediate printing of four hundred and six copies of the act entitled "an act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof," &c. passed this session of the general assembly, and also to provide for the delivery of one copy thereof to the governor, one copy to each of the judges of the superior courts, one copy to each register of the land office, one copy to each commissioner, one copy to each principal surveyor, and ten copies thereof to each member of assembly, to be by them distributed amongst the people for their information.

Received from the house of representatives, a message concurring with the above resolution, and informing this house that they had appointed Messrs. Trimble and Bount as a committee on their part, to act with the gentleman appointed by this house.

A bill to prohibit any person or persons from entering,

surveying or obtaining a grant for any occupant claim; was taken up, read the second time and rejected.

Received from the house of representatives, a bill to provide for the payment of the members, clerks and door-keepers of the present general assembly; which was read the second time, amended, passed and sent to the house of representatives.

On motion of Mr. White to fill up the blank in said bill making compensation to Thomas Dardis, for conveying the books and papers from the secretary's office in North Carolina to Knoxville, for the use of the board of commissioners, with the sum of two hundred dollars, the same being objected to, on motion of Mr. Weakley the yeas and nays were called for, which were as follow:

Yeas—messrs. Lea, Walton, White, Humphreys, Wilkinson, Douglass and Perkins.

Nays—messrs. Preston, Weakley, Russell, Doherty, and Tipton.

Also, a bill regulating the time of holding the several county courts therein mentioned; which was read the third time, amended, passed and sent to the house of representatives.

A message was sent to the house of representatives, informing them that this House had taken up for the third and last reading, a bill supplementary to an act to ascertain what property in this state shall be deemed taxable, and the mode of collecting, accounting for, and paying public taxes; and proposing to amend the same by striking out the following words in the first section thereof, "and to recite the name of the grantee, and if such owner be not the grantee, to show how the same has passed by conveyances from the grantee to the holder, and whether said holder be the owner of the whole or a part of said grant, when said facts are known to the person so returning," And requesting them should they agree to the amendment, to send two of their body to see it made.

Received from the house of representatives, a message of concurrence, and informing this House that they had sent messrs. Trimble and Nicholl to see the amendment made.

House adjourned until to morrow morning 9 o'clock.

THURSDAY, December 3, 1807.

The house met according to adjournment.

Mr. White from the committee of enrolments, reported the following bills correctly engrossed, to wit :

An act to amend an act entitled "an act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the *bona-fide* claims against the same, agreeable to an act of congress passed the 18th day of April 1806, entitled "an act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," and to point out the mode hereafter to be pursued in ascertaining the unsatisfied claims, and in perfect titles on the same.

An act to divorce certain persons therein mentioned.

An act making provision for the extinguishment of the Indian claim to lands within the limits of this state.

An act to reduce the limits of Dixon county, and to form a new county to the south of the same.

An act supplementary to an act for the better establishment and regulation of the militia of this state, passed at Knoxville on the 5th of November 1803.

An act to divide Rutherford county, and to form a new county south and south west of said county by the name of Bedford.

An act supplemental to the laws now in use and force concerning estrays.

An act to establish a separate election in the county of Rutherford.

An act respecting the duty of justices of the peace during the sitting of the county courts.

An act denning the punishment to be inflicted on persons guilty of the crimes and offences therein mentioned.

An act to form and establish a new county south and east of the counties of Warren and Bedford.

An act to secure the free navigation of Nolichucky river.

An act authorising the county court of Smith to lay a tax for the relief of William Bartlett.

An act to establish the town of Burrville as originally laid out.

An act to amend an act entitled "an act passed the 23th July 1806, authorising a separate election in Smith county.

An act appointing additional commissioners for the regulation of the town of Elizabethton in the county of Carter.

An act to attach the militia regiment of Campbell county to the third brigade.

An act to appoint additional commissioners for the town of Sevierville.

An act to secure the free navigation of the river Watuga.

An act supplementary to an act entitled "an act to reduce Boone county to constitutional limits, and to form two new and distinct counties south west of the same," passed this session of the general assembly.

An act to amend an act entitled "an act in addition to an act passed on the first day of November 1805, entitled "an act for the regulation of registers offices," &c. passed the last session of the general assembly of the state of Tennessee.

An act supplementary to an act entitled "an act to establish a college in East-Tennessee.

And, an act to amend an act passed at Knoxville the 6th of September in the year 1806, entitled "an act for the appointment of a register of the land office, and providing for the sale of the lands south of Holston & French Broad, agreeable to the constitution of this state and the provisions of the act of congress therein referred to; which were severally signed by the speaker of this house, and sent to the house of representatives.

Mr. White from the committee of enrolments, reported that they had examined an act to amend an act entitled "an act ascertaining the number of judges of the superior courts of law and equity, and fixing their salaries and directing their qualification to office," passed the 9th day of April 1796, & found it correctly engrossed; which was signed by the speaker of this house, and sent to the house of representatives.

presented the resignation of Terry, W. H. Humphrey, &c.

as a member of this legislature ; which was in the following words :

Mr. Speaker and Gentlemen of the Senate,

I beg leave to resign the seat which I have heretofore had the honor of holding as a member of this legislature ; the motives which have prompted me to this measure, need not at present be mentioned ; it is sufficient to observe, that it is not produced by any dissatisfaction with the proceedings of the legislative body, or with any of the gentlemen with whom I have had the pleasure of serving.

I am with much respect, your obd't. servt.

PARRY W. HUMPHREYS.

Knoxville, December 3rd, 1807.

Received from the house of representatives, a bill to amend an act entitled " an act ascertaining the number of judges of the superior courts of law and equity, and fixing their salaries and directing their qualifications to office," passed the 9th day of April 1796 ; which was read the third and last time, passed and ordered to be engrossed ; on the passage of said bill, Mr. Tipton moved for the yeas and nays, which were as follow :

Yeas—messrs. Weakley, Lea, Walton, White, Humphreys and Wilkinson.

Noes—messrs. Preston, Russell, Perkins and Tipton.

Mr. White offered the following resolution, which was adopted and a message sent to the house of representatives informing them thereof, and asking their concurrence, to wit :

Resolved by the senate and house of representatives of the state of Tennessee, that John McClelland principal surveyor of the fourth district, have leave at his own expence, to take from the copy of John Armstrong's entry-book, a copy of all the entries made in said office for lands within the bounds of his district, as well those which may have been granted, as those not yet granted ; which copies, said surveyor, shall take at such time as will suit the convenience of the commissioner for East-Tennessee, and while said entry-book is under the care and safe keeping of said commissioner.

Received from the house of representatives, a message non-concurring with the last named message of this house.

A message was sent to the house representatives informing us in that the senate propose that the committee appointed to make up the estimates of this general assembly, be directed to make the same up until Friday inclusive, and no longer ; and that they be authorised to have tickets printed, in which to certify the amount due each member ; and asking their concurrence, to which was received from the house of representatives, a message of concurrence.

A message was sent to the house of representatives informing them, that the senate propose going into the election for two commissioners, one for East and one for West Tennessee, at 2 o'clock, P. M. on this day, to meet in the representatives chamber for that purpose ; and also, for the election of a judge for West-Tennessee, at the same time, and asking their concurrence.

Received from the house of representatives, a message concurring with the above message, so far as respected the going into the election for commissioners for East and West-Tennessee ; but non-concurring as it respected the going into the election of a judge for West-Tennessee, but proposing to elect a fourth judge at the aforesaid time.

A message was sent to the house of representatives, informing them that this house had appointed Messrs. Russell and Perkins on the part of this house as tellers in the election of the aforesaid commissioners and a judge.

Received from the house of representatives, a message concurring with the last message of this house, and nominating Messrs. Cocke and Cheatham as tellers on their part to act with the gentlemen appointed by this house.

Received from the house of representatives, a message informing this house that they had taken up for the third and last reading, a bill regulating the time of holding the several courts therein mentioned ; and proposing to amend the same by striking out the section of said bill relative to extending the term of Blount ; and requesting this house, should they agree to the amendment, to send two of its body to see it made ; which message was concurred with, and a message sent informing the house of representatives thereof, and also informing them that Messrs. Perkins and Preston were appointed to see it made.

Received from the house of representatives, a message informing this house that they had taken up for the third and last reading, a bill regulating the several courts therein mentioned; and proposing to amend the same by adding a new section as follows:

Be it enacted, that the first election for commissioners for the town of Carthage, shall commence on the fourth Thursday in the present month of December, under the same rules and regulations pointed out in the above mentioned act; and every act and part of an act inconsistent with the provisions, are hereby repealed, so far as respects the first election for said commissioners; which message was concurred with, Messrs. Doherty and Perkins sent to see the amendment made.

Received from the house of representatives the report of the committee appointed to contract for the printing 406 copies of the land law, stating that they had proceeded to discharge the duties of their appointment, and that they had contracted with George Wilson to print said number of copies, and deliver them at his office to the persons entitled to receive them, if applied for, or to deposit them in the post-office at Knoxville, directed to the persons who are to receive said copies, and to pay the postage thereon, for the sum of fifty-eight dollars; all of which was respectfully submitted.

(Signed) WILLIE BLOUNT, Chairman.

Which report was read and concurred with.

Also, the report of the committee to whom was referred the communication of his excellency the governor, relative to the present prospects of war, and the necessity for making provision for procuring military stores for the use of such portion of the militia of this state, as may be called into actual service; which committee recommended the adoption of the following resolution, to wit:

Resolved, that his excellency the governor be authorized to purchase for the use of the militia of this state, should he deem it necessary, any quantity of powder not exceeding fifteen hundred pounds, and any quantity of lead not exceeding three thousand pounds, on the faith and credit of this state; and when the same shall have been purchased, to have it deposited in some safe magazine or

place of deposit, until it shall be necessary to distribute the same for the use of any portion of the militia of this state that may be called into actual service.

(Signed) JOSEPH DICKSON, Chairman.

Which report was read and concurred with.

The house adjourned until 3 o'clock.

The house met according to adjournment.

Agreeable to order, the speaker and gentlemen of the senate repaired to the representatives chamber for the purpose of electing a commissioner for East-Tennessee, a commissioner for West-Tennessee, and one judge.

The houses then proceeded to the appointment of a judge, Messrs. Robert White and Parry W. Humphreys being previously put in nomination, Messrs. Perkins and Russell on the part of this house, and Messrs. Cheatham and Cocke on the part of the house of representatives, superintended the balloting; when on counting out the votes, it appeared that Parry W. Humphreys, Esq. had twenty-nine votes, and Robert White Esq. had nine votes; whereupon the speaker of the senate in presence of both houses, declared that Parry W. Humphreys, Esq. was duly and constitutionally elected one of the judges of the state of Tennessee.

The election of a commissioner for West-Tennessee, was then progressed in, James Winchester and Howel Tatum, Esquires, being previously put in nomination, the same gentlemen were tellers as in the election of judge; on counting out the ballots; it was found that James Winchester Esq. had twenty and that Howel Tatum Esq. had eighteen votes.

The election of a commissioner for East-Tennessee was then progressed in, Archibald Roane and Andrew M. Lusk, Esquires, being previously put in nomination, the same gentlemen superintended the balloting as in the above elections; on counting out the ballots, it appeared that Archibald Roane and Andrew M. Lusk, had each nineteen votes; whereupon the houses proceeded to ballot the second time; on counting the ballots, it appeared that each of the candidates had the same number of votes as on the first balloting.

The houses then proceeded to ballot the third time; on

counting the ballots, it appeared that Archibald Roane, Esq. had nineteen votes, and Andrew M. Lusk, Esq. had eighteen votes; neither of them having a constitutional majority, the houses then proceeded to ballot a fourth time; on counting out the ballots it was found that Archibald Roane, Esq. had twenty, and Andrew M. Lusk had eighteen votes; whereupon, the speaker of the senate in presence of both houses, declared that James Winchester, Esq. was duly and constitutionally elected commissioner for West-Tennessee; and that Archibald Roane, was duly and constitutionally elected commissioner for East-Tennessee.

The speaker and gentlemen of the senate then repaired to the senate chamber.

Received from the house of representatives, a bill for the relief of Jesse Johnston; which was read the third and last time, passed and ordered to be engrossed.

Mr. Russell introduced the following resolution, which was read and adopted:

Resolved, that it shall be the duty of each of the door-keepers to the general assembly, to take into their care and charge-respectively, the tables, buckets, drinking vessels, candlesticks, inkstands, &c. and be answerable for the same to the next succeeding legislature.

The house adjourned until to-morrow seven o'clock.

FRIDAY, December 4th, 1807.

The house met according to adjournment.

Received from the house of representatives, a bill to provide for the payment of the members clerks and door-keepers of the present general assembly, and for other purposes; which was read the third time, amended, passed and sent to the house of representatives.

Also, a bill to provide for the election of electors of president and vice-president of the United States; which was read, and sundry amendments proposed thereto, and adopted, and the following message sent to the house of representatives informing them thereof, to wit:

Mr. Speaker, and

Gentlemen of the House of Representatives,

The senate have taken up for the third and last reading

a bill to provide for the election of electors of president and vice president of the United States, and propose amending the same, by striking out the words 'first' and 'August,' in the first section of said bill, for the purpose of inserting 'second' and 'November,' so as to make it read thus: That it shall and may be lawful for each and every sheriff of each and every county in this state, by himself or deputy, to open and hold an election for the purpose of electing electors of president of the United States, which election shall be held on the second Thursday of November, in the year 1898, and succeeding day, &c.

Also, by striking out 'Rutledge' in the third section, for the purpose of inserting 'Mossey creek Iron-works,' so as to make it read thus: And it shall in like manner be the duty of the sheriffs and returning officers of the counties composing the second district, in like manner and at the same time, to meet at Mossey creek Iron-works, and compare the votes and return of the poll, &c.

Also, by adding the words "at the same time," immediately after the word "district," in the same section, so as to make it read as follows: And it shall in like manner be the duty of the sheriffs and returning officers for the counties in the fourth district, at the same time, to meet at Carthage, and make return of the votes and compare the poll, &c.

Also, by inserting the words "at the same time," next after 'Nashville,' in the same section, so as to make it read as follows: And it shall be the duty of the sheriffs, &c. for the counties composing the fifth district, to meet at Nashville at the same time, make return of the votes and compare the poll, &c.

Also, by striking out "said sheriffs and returning officers," in the fourth section, and inserting these words, "the sheriff or returning officer of the county in which the comparison is to be made, shall decide who is elected, and said sheriff shall not have a right to vote at the election in his county," so as to make it read thus: That if on counting the votes and comparing the polls of the different counties, it should appear that any two persons have an equal number of votes, the sheriff or returning officer of the

county in which the comparison is to be made, shall decide who is to be elected, &c.

And also, by striking out 'second Thursday,' in the fifth section, and insert 'first Wednesday,' so that it shall read thus: That it shall be the duty of the persons elected electors in said districts, to meet at Knoxville on the first Wednesday in December in the year 1808, and proceed to vote for a president, &c. If you agree to those several amendments, please send two of your body to see them made.

Received from the house of representatives, a message concurring with the message last mentioned, and informing this house that they had appointed Messrs. Cheatham and Trimble to see the amendments made as stated in the above message. The said bill was then read the third and last time, amended, passed and ordered to be engrossed.

Resolved, that the honorable speaker of this house is entitled to the thanks of the members of this house, for the faithful and diligent manner in which he has discharged the duties of his office.

Mr. White from the committee of enrolments, reported the following bills correctly engrossed:

An act supplementary to an act to ascertain what property in this state shall be deemed taxable, and the mode of collecting, accounting for, and paying public taxes, passed the 7th November 1803.

An act for the relief of Jesse Johnston.

An act to direct the duty of the clerks and sheriffs, in certain cases therein mentioned.

An act to release Mathew Nelson, John Dowler, Abraham K. Shafer, John McEwin and Nathaniel Cox, from a forfeited recognizance.

An act to authorize Willie Blount to execute deeds of conveyance to certain lands of the late Reading Blount deceased.

An act to provide for the payment of witnesses in criminal prosecutions.

An act regulating the time of holding the several courts therein mentioned, and for other purposes.

An act supplemental to an act to reduce Williamson county to constitutional limits, and to form a new coun-

ty on the south and south west of the same, passed this session.

An act making provision for the payment of jurors to the county courts.

An act providing for the election of commissioners in the town of Kingston, and for other purposes.

An act to authorise James Pierce to erect a ware-house on Nolichucky river on his own land at the mouth of Rich-land creek in Greene county.

An act to provide for the election of electors of President and vice-president of the United States.

An act to provide for the payment of the members clerks and door-keepers of the present general assembly ; which were severally signed by the speaker of this house and sent to the house of representatives.

Mr. White introduced the following resolution, which was read and adopted, to wit :

Resolved, that it shall be the duty of the assistant clerk of the senate, to deliver to the register of the land office for East-Tennessee, all the books and transcripts now in the possession of the general assembly, which relate to the landed interest of this state.

Received from the house of representatives, a message of concurrence with the above resolution of this house.

Mr. Russell from the committee to whom was referred the communication of his excellency the governor of the date of the 18th ultimo, relative to a part of the line dividing this state from the state of North Carolina, &c. reported, that the committee had the same under consideration, and recommended the adoption of the following resolution :

Resolved, that it is the sense of this general assembly, that his excellency the governor of this state, be requested to repeat the application as directed by an act of the general assembly passed at Knoxville 4th Nov. 1805, entitled " an act appointing commissioners to settle and designate the true boundary line between this state and the state of North Carolina ;" and in the event that the second application be treated with the same neglect as heretofore, it shall be his duty after the expiration of twelve months from the date thereof, to give notice to the commissioners ap-

pointed by the above recited act, whose duty it shall be to proceed and run the line therein described agreeable to the session act ; which was adopted.

The following message was sent to the house of representatives :

Mr. Speaker, and

Gentlemen of the House of Representatives,

The senate propose appointing a joint committee to wait on his excellency the governor, and inform him that Parry W. Humphreys, esq. has been elected one of the judges of the superior courts for this state ; and also to inform him that this general assembly intend on this evening to adjourn without day ; and have named for those purposes, Messrs. Douglass and Walton on their part, to act with such gentlemen as you may name, to which they ask your concurrence.

Received from the house of representatives, a message concurring with the above resolution, & informing this house, that they had appointed Messrs. Dickson, Trimble, Cheatham and Bradley, to act with the gentlemen by this house appointed.

The following reports of the committee of claims, which were ordered to lie on the table, were taken up, to wit :

That the claim of James Gordon for preparing a room, finding sash glass, &c. for the legislature in Kingston, amounting to the sum of 15 dollars, is reasonable.

That the claim of John Bright jailor, for keeping sundry prisoners in the jail of Knoxville, is unreasonable ; which reports were severally read, non-concurred with, and sent to the house of representatives.

The following reports of the committee of propositions and grievances, which were ordered to lie on the table, were taken up, to wit :

That the petition of William Moore and Elizabeth J. Moore, praying additional compensation for printing, &c. is unreasonable ; which was read, concurred with, and sent to the house of representatives.

That the petition of Elizabeth Spurgin and George Webb, praying that a law may be passed authorising them to make a deed of conveyance for a certain tract of land to Thomas Cox, is unreasonable ; which was read, non-con-

carried with, and sent to the house of representatives.

Also, the following report of the committee of claims, was taken up, to wit :

That the petition of B. J. Bradford, praying compensation for advertising sundry tracts of land reported for taxation, and the sale of which did not amount to the taxes, is unreasonable ; which was read, and concurred with.

Mr. Russell offered the following resolution, to wit :

Resolved, that Knoxville be the seat of government until otherwise provided for by law ; which was read, adopted and sent to the house of representatives.

Received from the house of representatives, a message concurring with the above resolution.

Received from the house of representatives, a message informing this house that they had taken up for the third and last reading, a bill making compensation to the members, clerks and door-keepers, &c. and proposing to amend the same by adding, the sum of twenty dollars thereto, as a compensation to Andrew Rhea for assisting as door-keeper to the house of representatives of this general assembly ; also by striking out the compensation allowed the assistant clerk to the board of commissioners for West-Tennessee ; also by adding a new section thereto in these words :

Be it enacted, that the commissioners heretofore appointed to superintend the laying off the lands appropriated for the use of colleges, be allowed each two dollars per day for each day they may have been actually engaged in said service, and they shall render their accounts to the surveyor of the district within which said college lands are situate, who shall liquidate, their accounts and give to each a certificate of the amount due him, which monies shall be paid out of any money in the treasury not otherwise appropriated ; and also by striking out ' ninety-nine dollars and fifty cents,' relating to the claim of Stuart W. Thornton, as a compensation for his services, as sercant at arms, for the purpose of inserting ' one hundred and twenty dollars,' in lieu thereof ; and also by adding the following section to said bill :

Be it enacted, that P. M. Miller, be allowed the sum of fifty dollars, being the sum which the legislature con-

tracted to pay him for attending to, and prosecuting the suit in the name of governor against the late treasurer of Mero district, and his securities ; which message was concurred with, except the amendments relative to adding the sum of twenty dollars to Andrew Rhea for attending as an assistant door-keeper, and that of striking out the compensation allowed the assistant clerk to the board of commissioners for West-Tennessee ; and a message sent informing the house of representatives thereof.

Mr. Douglass offered the following resolution, which was adopted, and a message sent informing the house of representatives thereof, and asking their concurrence :

Resolved by the senate and house of representatives of the state of Tennessee, that Thomas Emmerson and James Trimble be appointed to examine the selection and revision of the laws of this state made by Moses Fisk, esq. during the recess of the legislature, and make report to the governor.

The following persons were appointed justices of the peace by the consent of both houses :

For the county of Anderson, John M'Adoo, Isaac Lowe, Samuel M'Coy, Johnston Heath and Joseph Reeney.

Blount, Robert Parks, William Murray, John Waugh, Henry Franks and James Wylly.

Bledsoe, John Tollet, John Narramore, Jesse M'Kinney, Michael Rawlings, Joseph Hoge, James Standivee, Timothy Hixon, William Christian and John Durgan.

Bedford, John Atkison, Abraham Byler, James Patton, Alexander Greer, William M. Quishinberry, Alexander Moody, William Norville, David Robertson, Howell Doddy, William Wilburn, Joseph Walker, Joseph Ake and John Carter.

Cocke, Alexander Smith, Isaac Allen, Jesse Nelson, Coleman Smith and James Armstrong.

Clairborne, Luke Bcyer and Richard Harpeth.

Campbell, James Rice and Robert Doak.

Davidson, Hugh Allison, Joseph Love, Robert Weakley, George Wharton, Christopher Robertson and Edmund Cooper.

Dickson, Jeremiah Piersol, John Dixon, William Reed and Melton Dixon.

Franklin, John King, James Bigham, James Hunt, James Cunningham, John Reaton, John Capleton, John Young, Pompey Hernden and George Taylor.

Greene, James Guthrie, Robert C. Gorden, Henry
- Dyke, Benjamin C. Harris and John Jones.

Grainger, George Moody and William Parkerson.

Hawkins, John Crites.

Hickman, Thomas Petty, William Wilson, James Miller, Robert Dunning and Alexander Gray.

Jefferson, Farneneas Taylor, James M'Quiston, Henry Thornberry, James Vance and John Cates.

Jackson, Jonas Bedford, John Richmond, Walter Bilsly, James Vance, Ferdinand Hamilton, Matthew Moss, John Raybourne, Henry Hardin, William Woodford, William Scantling, William Holeman and William Jones.

Knox, Henry Roberts, Alexander Forgie, George Luff, Joseph Kirby, Archibald Rhea and John Smith (of captain Bond's company.)

Montgomery, John H. Posten, James Baxter, William McDaniel, James Hamilton, Samuel Vance, Abner Har-
rison, Sartin, N'blet, Holloway Morris, John M'Auley
and Samuel Smith.

Industry: J. M. Dickey, William Fryer, Isaac R. Spencer, John Lindsey, Joshua Williams, John M. Jones, James Love, Lemuel Pruet, William Doo-

Wm. H. Williams, A'shera Willis, Job
John M. McDaniel, John M. McDaniel,
John M. McDaniel, John M. McDaniel,

ham P. Anderson, David Abbot and James Whitsell.

Rhea, Joseph Brooks, John Russell, Daniel Rawlings,
James Campbell, Alexander Ferguson, Jonathan Fine,
William Long, John Henry and Abraham Howard.

Sevier, Thomas Underwood.

Smith, Jeremiah Taylor, Moses Pinkston, Elias Elston,
William Moore, Jonathan Canger Waller Carruth.

Sumner, Thomas Murray.

Stuart, Elijah Lowry, Arthur Collier, John Chambers,
Tapley Maddox and Michael Dickson.

Williamson, David Dickinson, Alexander Maybanc,
David Squire, Elijah Hamilton, James Black, Thomas
Wilson, Thomas Garrett, Samuel Shelburn, John John-
ston, senr.

Wilson, Hugh Marrs.

White, Bird Smith, Alexander Lowry, Alexander
Cook, Daniel Alexander, John Rose, Aaron England,
William Pryor, William Evans, Reubin Raglin, William
Philips and David Mitchell.

Warren, Godfrey Isbell, Patrick Hays, Thomas Bur-
gess, Richard Burks, Thomas Mitchell, James Younger
Greene, William Calvert, William Barnett, Thomas Ma-
thews, Benjamin Coyle, Samuel M-Ghee and John Arm-
trong.

Received from the house of representatives, a message
informing this house that they were ready to adjourn with-
out delay: which was concurred with, and a message sent
in reply thereto.

Testified and sworn to before me.

J. S. B. H. M. 1837.